

**VILLAGE OF BEVERLY HILLS
ORDINANCE NO. 391**

**AN ORDINANCE TO AMEND THE VILLAGE ZONING ORDINANCE,
CHAPTER 46, SECTION 46-173 FENCE, WALL, AND PRIVACY SCREEN
REGULATIONS FOR THE VILLAGE OF BEVERLY HILLS.**

The Village of Beverly Hills Ordains:

Section 1.01. That Village of Beverly Hills Zoning Ordinance, Chapter 46, Section 46-173 Fence, Wall, and Privacy Screen Regulations for the Village of Beverly Hills is hereby amended to read as follows:

Sec. 46-173. Fence, wall, and privacy screen regulations.

It is hereby determined that regulation of the location, size, placement and certain features of fences, walls, and privacy screens is necessary to enable property owners to provide physical boundaries and privacy on private property without difficulty and confusion, to promote traffic safety, and to safeguard public health and welfare. Fences, walls, and privacy screens are permitted subject to the following:

- (1) *General requirements.*
 - a. *Permit.* No fence, wall or privacy screen shall be erected, replaced or altered by more than 25 percent of the area of any side until a permit has been issued. An application for a permit shall be filed with the Building Official, accompanied by a fee in the amount established by Council resolution and with sufficient information to determine that the proposed structure meets the requirements of this chapter, including drawings or sketches showing at least the following:
 1. Location of the fence, wall or privacy screen in relation to lot lines, principal building, other structures, driveways, sidewalks, bikeways, roadways, rights-of-way and easements within 25 feet of the proposed location.
 2. Dimensions and design or style of the fence, wall, or privacy screen including any variations by location.
 3. In the event that lot lines for the subject property cannot be located to the satisfaction of the Building Official, the Building Official may require the applicant to establish lot lines on the property located by a licensed surveyor.
 4. If a permit is issued it shall contain language indicating the Village permit does not relieve the applicant of compliance with the homeowners' association regulations or deed restrictions if applicable.
 - b. *Materials.* Fences, walls and privacy screens shall be constructed of high quality, durable materials, including brick, natural stone, treated wood, composite, or metal (such as wrought iron or painted aluminum). Vinyl/PVC may only be used

for fences which are up to 4 feet in height and have an opacity of at least 35%. All fences shall have a neutral, earth-tone color palette (i.e. shades of black, brown, gray, beige). Fences that are 4 feet in height or less and have an opacity of at least 35% may be white. Chain link fences shall be black, green, or galvanized and are only permitted in rear yards and are not permitted to have wood, plastic, or other material inserts. Fences, walls, and privacy screens must be substantially similar in material, color, and style.

- c. *Prohibited Fences.* The use of razor wire, barbed wire, protruding spikes, nails, or any sharp point that could pose a hazard to persons or animals, or elements that carry electricity are not permitted.
- d. *Location.* Any fence, wall, or privacy screen shall be located entirely inside and shall not project beyond the perimeter of the subject site. A fence, wall, or privacy screen may not be attached to, or touch, a fence, wall, or privacy screen located on another lot without the written consent of both owners. In every case, fences, walls, and privacy screens must be designed and constructed as a stand-alone structure. Any existing perimeter fencing, wall, or privacy screen must be removed prior to installation of new fencing, wall, or privacy screens at that lot line. In the event the existing fence, wall, or privacy screen is on the neighboring property, a four-inch gap between the established grade and bottom of the fence or privacy screen is required to allow the maintenance of grasses and/or weeds between the structures.
- e. *Height.* The vertical dimension of any fence, wall, gate or column shall be measured from the lowest finished grade on both sides of any such fence, wall, gate or column to any point on top of the fence, wall, gate or column, including any ornamental features.
- f. *Orientation of finished appearance.* When one side of the fence or wall has a more finished appearance than the other, the side with the more finished appearance shall face the exterior of the lot.
- g. *Obstruction.* No fence, wall, or privacy screen shall be erected where it would unreasonably obstruct the continued use of, or safe access to any abutting property. Fences, walls or privacy screens located adjacent to a driveway or a street corner shall be designed not to obscure the vision of drivers properly using the street.
- h. *Maintenance.* Fences, walls and privacy screens shall be constructed in accordance with the adopted State Building Code/State Residential Code and shall be maintained in good condition. Surfaces shall be painted, stained, or constructed of decay resistant materials to protect and preserve the safety and appearance of the structure. If a fence, wall, or privacy screen is found to be in need of repair by the Building Official, the Building Official shall issue orders to the owner to complete the repair. Failure to comply with written notice from the Building Official ordering completion of the repairs shall constitute a violation of this chapter. If more than 25 percent of the area of any side of a fence, wall or privacy screen requires reconstruction in any 12-month period, the entire fence,

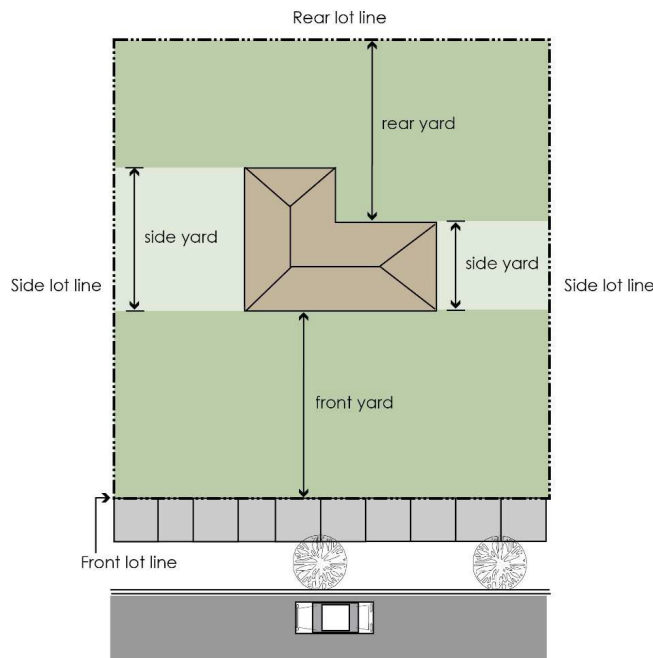
wall or privacy screen shall be brought into compliance with this chapter.

- i. *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning.

Front yard means the full width of the lot enclosing the area bounded by the front lot line, the side lot lines, and the front building line.

Rear yard means the full width of the lot enclosing the area bounded by the rear lot line, the side lot lines, and the rear building line.

Side yard means the area on both sides of the principal structure on a lot which is bounded by the side lot lines, the rear building line, and the front building line.

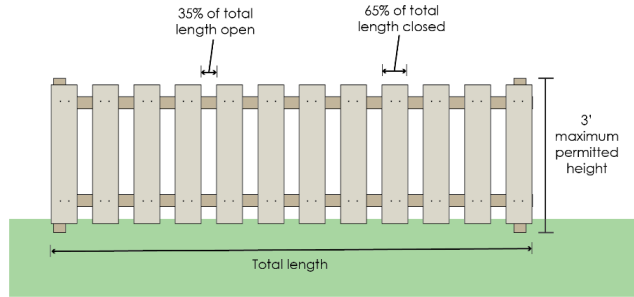


(2) *Requirements in single-family residential districts.*

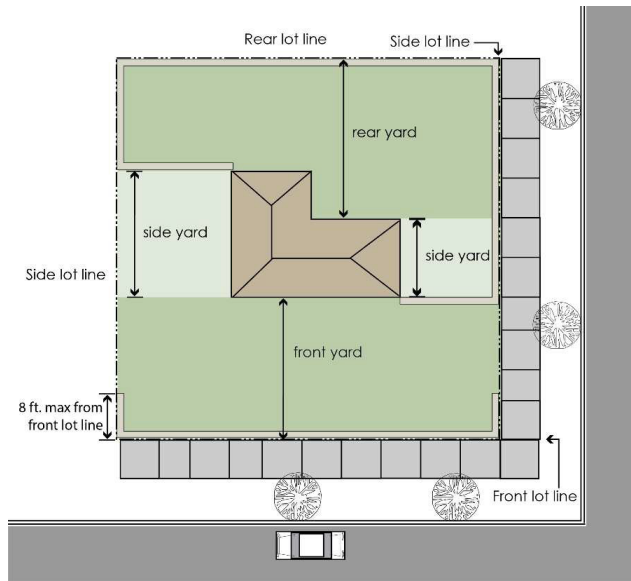
- a. *Fences.* Fences up to six feet in height are permitted subject to Administrative approval as follows:

1. *Front yard.* Fences in the front yard with a vertical surface area that is at least 35% open to air and light shall not exceed three feet in height above grade and shall not extend back toward the front of the principal building more than eight feet.

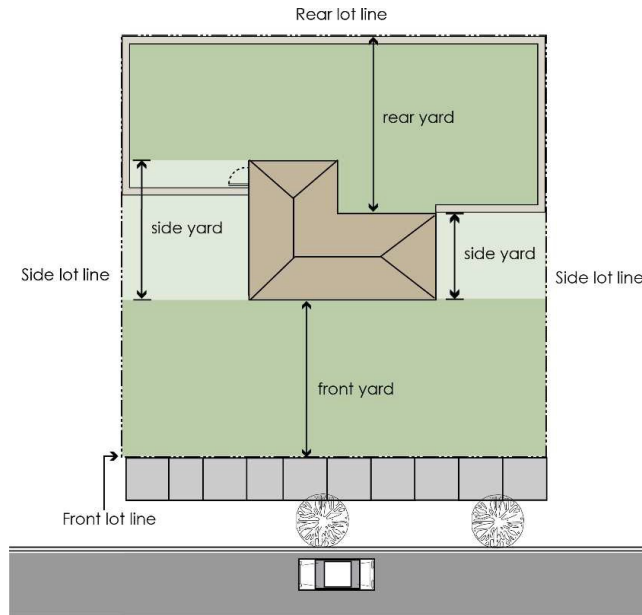
2. *Side yard.* Fences are not permitted in side yards that do not abut roads or



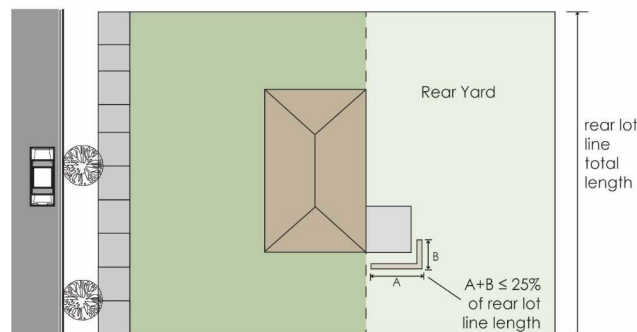
streets except as provided for in Subsection (2)a.3 of this section. See graphic below.



3. *Rear yard.* A fence in a rear yard shall not exceed six feet in height above grade and shall not extend toward the front of the lot farther than the rear of the house, except a fence may extend into the side yard only to enclose the side door entrance. See graphic below.



4. *Support posts.* Vertical support posts may extend up to six inches above the allowable fence height. Installation to be done per manufacturer specifications.
- b. *Privacy screens.* Privacy screens that do not exceed six feet in height above grade are permitted as follows:
 1. Properties in all single-family residential zone districts may erect a privacy screen in the rear or side yard to enclose an area on up to three sides, with a maximum total length that does not exceed 25 percent of the rear lot line length.
 2. Properties where a property line abuts Southfield Road, Greenfield Road, or Thirteen Mile Road may erect a privacy screen along that property line which abuts these roads and may extend the privacy screen into the side yard only to enclose a side door entrance.



- c. *Walls.* Walls may be used instead of a fence, provided the total height above grade does not exceed three feet.
- (3) *Fences, walls or privacy screens in non-single-family residential zones.* Fences, walls, or privacy screens are required in non-single-family residential zones for the enclosing of areas of outside storage of goods, material or equipment and shall not be less than six feet and not greater than seven feet in height above grade.
- (4) *Fences enclosing public or institutional playgrounds.* Fences that enclose public or institutional playgrounds shall not exceed seven feet in height above grade and shall not obstruct vision to an extent greater than 25 percent of their total areas. Any fences or similar structures that enclose all or part of a public or institutional playground, athletic field, or similar use greater than seven feet in height above grade shall require Planning Commission approval.
- (5) *Construction fences.* Refer to Section 46-186(b).

Section 2.01. SEVERABILITY. If any section, clause or provision of this Ordinance shall be declared to be inconsistent with the Constitution and laws of the State of Michigan and voided by any court of competent jurisdiction, said section, clause or provision declared to be unconstitutional and void shall thereby cease to be a part of this Ordinance, but the remainder of this Ordinance shall stand and be in full force.

Section 3.01. SAVING CLAUSE. All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this Ordinance takes effect are saved and may be consummated according to the law when they were commenced.

Section 4.01. REPEALER. Chapter 46 of the Village of Beverly Hills Municipal Code, Section 46-173 is hereby repealed.

Section 5.01. EFFECTIVE DATE. A public hearing having been held by the Planning Commission on May 28, 2025, and the Village Council on September 2, 2025, the provision of this Ordinance shall become effective 20 days following its publication in The Eagle, a newspaper circulated within said Village.

Made and passed by the Village Council of the Village of Beverly Hills this 2nd day of September 2025.

John George, Village President

CARISSA BROWN, Village Clerk

CERTIFICATION

I, CARISSA BROWN, being the duly appointed and qualified Clerk of the Village of Beverly Hills, Oakland County, Michigan, do hereby certify and declare that the foregoing is a true and correct copy of an Ordinance adopted by the Village Council of the Village of Beverly Hills at a regular meeting thereof held on the 2nd day of September, 2025.

CARISSA BROWN, Village Clerk