



# DESIGN REVIEW GUIDE

## Fences

Burlington is well known as a community with a high quality of life, small and cohesive neighborhoods, a vibrant downtown and waterfront – all within a spectacular setting on the shores of Lake Champlain. This deserving reputation is due in part to the City's small size, entrepreneurial spirit, civic-minded citizens and activist government. One of the many factors that makes Burlington such a great place to live, work and visit is the community's attention to detail, and respect for its setting, heritage and quality urban design.

Burlington's Design Review process strives to protect the city's unique qualities and strong sense of place by carrying out citywide development and design objectives. The purpose of this *Fences Guide* is to help applicants in preparing an application for a fence permit. Through materials such as this, the Department of Planning & Zoning seeks to make common sense information available to help inform and provide clear expectations of the submission requirements and process, which in turn helps save the applicant, and the city, time and money.

### DO I NEED A PERMIT TO REPLACE MY OLD FENCE OR INSTALL A NEW ONE?

Yes! ALL fences, whether there is an existing fence already located on the property that you wish to replace with a better fence or if you want to install a brand new fence, require a fence permit from the Department of Planning and Zoning, and building permit from the Department of Public Works.

The only time a fence permit is not required is when the existing fence (which was installed with a valid, existing fence permit) is being replaced in the EXACT same size, location, materials and design. A building permit is still required.

### HOW LONG DOES THE APPROVAL PROCESS TAKE AND WHAT SHOULD I EXPECT?

A fence permit process typically takes 3-4 weeks depending on the time of year (summer being the busiest for permitting) and costs \$50. There are specific requirements for what information needs to be submitted with a fence permit application. These requirements are detailed in the Fence Permit Checklist available online and from our office.

The submission material needed helps us determine:

- what the area looks like today (a photo),
- the location of the proposed fence (a site plan), and
- what the new fence will look like (a specification sheet or photo example).

The review and approval is typically done within a week or two and immediately following the approval is a 15 day waiting period (called an appeal period) before the permit can be picked up and the building permit applied for. These two timeframes are what make up the 3-4 weeks total process.

### WHAT ARE THE RULES FOR FENCES?

**Section 6.2.2(m) Landscaping and Fences:** of the Comprehensive Development Ordinance (CDO) states:

*Fences may be placed within the required setback along a property line, but shall be setback sufficiently to provide for the maintenance of both sides of the fence without entering onto the adjacent property and shall present a finished side to the adjoining property and public street.*

*Fences placed within a clear sight triangle along driveways and at street intersections, or between an existing building and the front property line, whichever is less, shall be limited to 3-feet in height above the curb in order to provide safe sight distances for pedestrians and vehicles.*

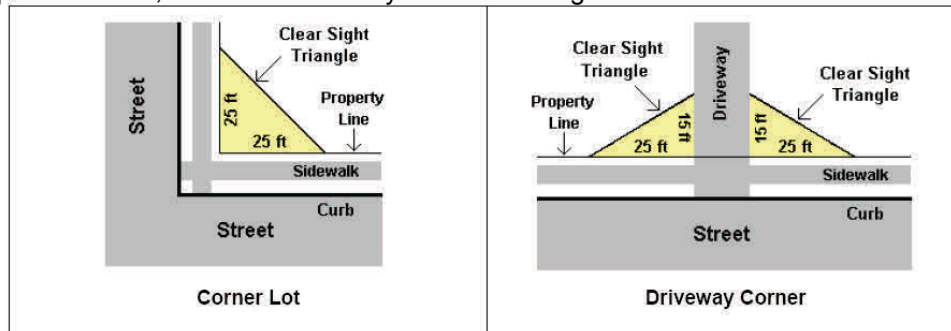
*Styles, materials, and dimensions of the proposed fence shall be compatible with the context of the neighborhood and the use of the property.*



Fence compatible with context? Clear site triangle?

## WHAT IS THE REASON FOR REQUIRING A "CLEAR SIGHT TRIANGLE"?

The clear site triangle is an area in relation to a corner lot or driveway where the height of fences are limited to no more than 3ft above the height of the curb. This requirement was put in place to ensure safety for pedestrians and road users from vehicles exiting a property and having clear visibility in both directions without a large fence in the way. By having lower fences in these areas, a small child riding along the sidewalk may be seen before its too late! The clear site triangle relates to all types of fences, whether or not they are 'see-through'.



## I NEED TO SET MY FENCE BACK FROM THE BOUNDARY?

Yes. Fences are required under the CDO to be set back from the boundary enough to be able to maintain the fence without having to go onto the neighbors property. There is no magic distance to this setback, and it is based on the style of fence proposed. Some fences may not require as much maintenance or can be removed, maintained and re-installed without having to go on 'the other side'. The typical rule of thumb is that a larger wooden fence would need a setback of at least 2ft from the boundary to be able to paint, stain or replace boards.

## IS A BUILDING PERMIT REQUIRED?

Yes. You need to contact the Building Inspector's office for all construction. Open fences (such as picket or chain link) where wind and snow can pass through may not need a building permit, but this is determined by of the Building Inspector depending on the location and the proposed fence.

## DO I HAVE TO GET A CERTIFICATE OF OCCUPANCY FOR MY FENCE? I'M NOT GOING TO OCCUPY IT!

Yes! A Unified Certificate of Occupancy (UCO) is the generic term for confirming the project has been completed and built exactly as approved on the fence permit and approved plans and that all conditions have been met. Think of this UCO as simply a 'Certificate of Completion'.

This process is unified with the Building permit, so make sure you have had your final inspection on the building permit first by the building inspector.

The Code Enforcement Office manages the UCO process on behalf of the Planning and Zoning Department (they have the cars and inspectors). You request the UCO once you are done, by submitting the zoning permit paperwork you received when you picked up your permit (this includes the permit, conditions and all approved plans) to the Code Enforcement Office. This process can typically take 10-15 days depending on workload so make sure you request it as soon as possible, don't wait until the last minute before you sell the property or refinance!

Once you request the UCO (note: there is a fee for this final inspection), the Code Enforcement Office will do a site visit (yes another inspection, but looking at different criteria than the building inspector) with the plans to confirm all conditions have been met (if any) and that it is in the same location and of the same design as approved. Once all items are satisfied, the UCO will be issued and a copy will be sent to you to put in your records. This makes all permits for this project officially 'closed'.

## ADDITIONAL INFORMATION

*city zoning permits & general information*

### • Burlington Department of Planning & Zoning

149 Church St, Burlington, VT 05401

802.865.7188

[www.burlingtonvt.gov/pz](http://www.burlingtonvt.gov/pz)

*city building permits & general information*

### • Burlington Department of Public Works

645 Pine St, Burlington, VT 05401

802.863.9094

[www.burlingtonvt.gov/dpw](http://www.burlingtonvt.gov/dpw)

*Certificates of Occupancy*

### • Code Enforcement Office

645 Pine St, Burlington, VT 05401

802.863.0442

[www.burlingtonvt.gov/codeenforcement](http://www.burlingtonvt.gov/codeenforcement)



Decorative fence compliant with the clear site triangle!