

# **City of Scottsbluff, Nebraska**

**Monday, June 15, 2020**

**Regular Meeting**

## **Item Reports9**

**Council update, discussion, and instruction to staff regarding changing the guidelines for fences to be 8 feet tall in all areas instead of 6 feet.**

**Staff Contact: Scott Shaver**

It looks like there are no height restrictions on Commercial (unless 25-4-6 includes commercial).  
So the basic changes I'm looking for are:

25-4-3 (3) Rear: rear yard fences maybe of any class, but may not exceed **ninety-six (96)** inches in height.

25-4-6 (1) Adjacent to streets. Segments of a perimeter fence which are constructed substantially parallel with and adjacent to the boundary lines of front and side streets, or either, shall be of a single uniform class and height, which latter shall not exceed **ninety-six (96)** inches; provided, any segment of a perimeter fence constructed pursuant to a special permit within the right-of-way of a street, alley or other public way outside the corporate limits of the City shall be a Class Two (2), Three (3) or Four (4) fence

**25-4-3. Residence, business zones; dwellings; requirements.**

Fences in residence and business zones, and those enclosing a lot or tract of land used for dwelling purposes in any zone, must conform to the following requirements:

- (1) Front. Fences constructed between the front building setback line and the front lot line may be of any class, but shall not exceed forty-two (42) inches in height, provided however, that fences of the Class Two (2) and Class Three (3) may exceed forty-two inches in height (42) but may not exceed forty-eight (48) inches in height.
- (2) Side. Side yard fences back of the front building setback line may be of any class, but may not exceed seventy-two (72) inches in height.
- (3) Rear. Rear yard fences may be of any class, but may not exceed seventy-two (72) inches in height.
- (4) Corner lot. Notwithstanding any other provisions of this Article to the contrary, no fence exceeding 36 inches in height, measured from sidewalk grade, and if no sidewalk exists, from the top of curb, with a 50% open design may be built:
  - a. on a corner lot, within a triangular area bounded on two sides by the intersecting street right-of-way lines and on the third side by a line connecting points on each right-of-way line which are 20 feet from their intersection, or
  - b. on a corner lot adjoining an alley, within a triangular area bounded on two sides by the intersecting right-of-way lines of the alley and adjoining side street and on the third side by a line connecting points on each right-of-way line which are located at the distance from their intersection which is equal to the applicable side street setback requirement.
- (5) On retaining wall. If a fence is constructed on the top of a retaining wall, the height

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of the fence is measured from the ground on the low side of the retaining wall, except that a Class (2), (3), (4) or (6) fence may be constructed on top of a retaining wall to a height not more than 30 inches above the ground measured on the high side of the retaining wall.

(6) Retaining wall design. A retaining wall must be adequately designed, constructed, and drained to withstand any lateral pressure to which it is subject.

(7) Obstruction of vision. Anything in this Article to the contrary notwithstanding, no fence, retaining wall, shrub, tree, or similar obstruction may be constructed or maintained if it will obstruct traffic vision.

(8) Dangerous; prohibited. No barbed wire, other sharp pointed, or electrically charged fence may be constructed or maintained.

(9) Dilapidated; dangerous; removal. The Development Services Director may order any dilapidated or dangerous fence removed.

(10) Utility substations. Anything in this Article to the contrary notwithstanding, fences enclosing public or private utility substations in residential zones need conform only to the requirements set forth in section 25-4-3. (Ord. 3639, 2000; Ord. 4013 (2010))

**25-4-6. Perimeter fences; residence; generally.**

Perimeter fences in residence zones shall conform to the requirements in sections 25-4-3 (1) to 25-4-3 (9), except as follows:

(1) Adjacent to streets. Segments of a perimeter fence which are constructed substantially parallel with and adjacent to the boundary lines of front and side streets, or either, shall be of a single uniform class and height, which latter shall not exceed seventy-two (72) inches; provided, any segment of a perimeter fence constructed pursuant to a special permit within the right-of-way of a street, alley or other public way outside the corporate limits of the City shall be a Class Two (2), Three (3) or Four (4) fence.

(2) Side. Any segment of a perimeter fence which is constructed on, or adjacent to and substantially parallel with a boundary line between abutting blocks, lots or tracts of land shall conform to the requirements for side yard fences which are contained in this Article.

(3) Rear. Any segment of a perimeter fence which is constructed on, or adjacent to and substantially parallel with, the rear boundary line of any blocks, lots or tracts of land shall be of a single, uniform class and height and shall otherwise conform to the requirements for rear yard fences which are contained this Article.

(4) Corner. Perimeter fences on corner lots, anything in sections 25-4-3 (1) to 25-4-3 (9), inclusive, to the contrary notwithstanding, shall conform to the requirements for fences on corner lots which are contained in this Article.

(5) Special permit. Perimeter fences are permitted on residence zones if a special permit therefor is issued by the Planning Commission, subject to conditions stated in Article 13 of this Chapter. (Ord. 3639, 2000)