



CITY OF RAPID CITY

RAPID CITY, SOUTH DAKOTA 57701-2724

PLANNING DEPARTMENT

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MEMORANDUM

TO: Rapid City Planning Commission

FROM: Bill Lass, Senior Planner

DATE: 1/31/01

RE: Fence/Wall Height Regulations

At the request of a City Council member, Staff has reviewed how the Rapid City Code addresses the placement of fences on top of retaining walls along side lot lines in residential areas. According to Chapter 15 of City Code, fences or walls constructed along side lot lines in residential zoning districts cannot exceed six feet in height. Due to Rapid City's hilly terrain and the need for retaining walls along some lot lines, there are situations in which property owners wish to construct fences on top of retaining walls. Currently, City Code would not allow construction of a fence on top of a retaining wall that was at grade on one side and six feet high on the opposite side. The Code specifies that the wall must be measured from the top of the wall to the "ground directly below." However, a six foot tall fence could be constructed just a few inches away from the wall in compliance with this requirement.

Staff has researched how other city codes in the region address this issue. All of the cities contacted have the same maximum height requirement of six feet for fences/walls along side property lines. Other than this commonality, there was no clear agreement on how the contacted cities addressed the issue of placing a fence on top of a retaining wall. Several of the cities allow a six foot high fence to be constructed on top of a wall. Several of the cities had codes that were the same or similar to Rapid City's in that a fence could not be placed directly on top of the wall. One city required a five foot setback between a retaining wall and a fence. Additionally, some cities required that fences over a specific height would need to have a surface that was at least 50% open (such as chain link or alternating boards).



EQUAL OPPORTUNITY EMPLOYER

After reviewing this matter, Staff is recommending that the Rapid City Municipal Code remain the same in the way that the height of a fence or wall is measured – from the top to the “ground directly below.” Staff is further recommending that the Code be revised to allow a fence up to six feet in height to be constructed on top of a retaining wall provided that the fence surface is at least 70% open. If the fence is not at least 70% open then Staff is recommending that it be setback from the retaining wall for a distance of 1.5 feet for every one foot of fence height. Staff believes that these changes will accommodate those individuals wishing to construct fences on top or near retaining walls without jeopardizing the rights of neighbors.

Attached are drawings which help illustrate this issue. Staff will be present at your February 8, 2001 Planning Commission meeting to answer any questions you may have regarding this matter.

Thank you.

Xc: Mayor Shaw
Alan Hanks
Jerry Munson