

ORDINANCE NO. 20-25

AN ORDINANCE PERTAINING TO PLANNING AND ZONING AMENDING SECTION 18-4-1-404.1, CHAPTER 18, LAWTON CITY CODE, 2015, BY ALLOWING FENCES LOCATED IN P-F DISTRICT AND INDUSTRIAL DISTRICTS TO BE TALLER THAN FOUR FEET WITHIN THE FRONT BUILDING LIMIT LINE OR WHEN ASSOCIATED WITH A PUBLIC FACILITY; PROVIDING FOR SEVERABILITY; RENUMBERING; AND ESTABLISHING AN EFFECTIVE DATE.

BE IT ORDAINED by the Council of the City of Lawton, Oklahoma, that:

Section 1. Section 18-4-1-404.1 is hereby amended to read as follows:

18-4-1-404.1 - Open space. Exceptions to Specific District Regulations

- A. The following requirements are intended to provide exceptions or to qualify and supplement, as the case may be, the specific district regulations set forth in Sections 18-501 through 18-693 of this code.

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8. Accessory Uses and Structures Permitted.

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- b. Specific Accessory Uses.

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- (2) Fences or Walls. Fences or walls located within any setback area for all structures shall be permitted subject to the following requirements:

- (a) All fences or walls shall be constructed, erected or installed to conform with applicable zoning and building regulations. A building permit shall be required for the following:
- (i) construction of a new fence or wall;
  - (ii) modification or reconstruction of an existing fence or wall wherein such modification or reconstruction will include the placement of additional posts, the replacement of existing posts other than in the same location, or the performance of any new excavation greater than six (6) inches below the existing ground surface; or
  - (iii) modification or reconstruction of an existing fence or wall located within a drainage easement or crossing any drainage facility.
- (b) Building permits, if required, shall be obtained prior to any construction activity.
- (c) Except as required above, a building permit shall not be required to replace portions of an existing fence or wall.

- (d) Regardless of the fence regulations contained herein, the property owner is advised that there may be more restrictive privately enforced regulations in the form of plat restrictions, declarations of covenants and restrictions relating to architectural controls, deed restrictions, or platted setback lines which may further limit the construction of a fence on a parcel.
- (e) The fence or wall extending beyond the front building limit line shall not exceed four (4) feet in height, except when located in the P-F Public Facilities District, any of the Industrial Districts, or when located with a public facility located on property owned by Lawton Public Schools, when the following conditions are met: and shall not be located within a sight-triangle.
  - i. the fence shall not be taller than six (6) feet;
  - ii. the fence shall be constructed of a decorative, open wrought iron, aluminum fence or similar material; a vinyl-coated chain-link fence would satisfy this requirement, as approved by the director of planning;
  - iii. A minimum of one hundred percent (100%) of the fence shall be non-opaque on all portions of the fence greater than four (4) feet tall, such that it does not obstruct the view from the street;
  - iv. Posts or pilasters, consisting of masonry, brick, or other solid material, not exceeding eighteen (18) square inches and six (6) feet tall, may be used to support a wrought iron or decorative fence as described in this section, with a minimum distance between posts or pilasters of six (6) feet.
- (f) The fence or wall shall not be located within a sight triangle
- (fg) Barbed, hog or chicken wire, or single or multi-strand fences shall not be allowed in any yard adjacent to a structure, except as provided in Section 6-182 of Chapter 6 of this Code.
- (gh) No fence extending beyond any side or rear building limit line of any structure may be more than eight (8) feet in height above the elevation of the ground at the base of the fence or eight (8) feet above the ground elevation at the base of the house, whichever is higher. In no case may the fence be more than ten (10) feet above the elevation of the ground measured at the base of the fence.
- (hi) Where security or privacy requires a height in excess of the above, it may be authorized by the planning commission as a use permitted on review in accordance with the provisions contained in Section 18-113 of this Code.
- (ij) Fences or walls used in conjunction with single-family or two-family dwellings, located on local streets as defined by the subdivision regulations or the long range transportation plan and having a right-of-way in excess of sixty (60) feet shall be permitted to extend into the setback area and into the public right-of-way. However, no such fence or wall shall be closer than eleven and one-half (11½) feet in distance from back of the curb or the edge of the pavement. In no case shall the erection of

such fence or wall interfere with existing sidewalk, sight triangle or fire hydrants. This provision does not give a land-owner any legal right or property interest to the right-of-way, and the city shall be held harmless with respect to any further use of the right-of-way by the city or a utility company.

(j) Fences or walls with or without hedge or similar natural vegetation shall not cause a view obstruction for any private driveway.

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Section 2. Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, said portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion of this ordinance.

Section 3. Renumbering. The provisions of Section 18-4-1-404.1, Chapter 18, Lawton City Code, 2015, shall be renumbered consecutively to reflect the new numbering of paragraphs of said section as amended by this ordinance as to avoid duplication or omission of numbers and/or letters in said section.

Section 4. Effective Date. The provisions of this ordinance shall become effective thirty days after passing of the ordinance.

ADOPTED and APPROVED by the Council of the City of Lawton, Oklahoma, this 24<sup>th</sup> day of November, 2020.

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STANLEY BOOKER, MAYOR

ATTEST:

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TRACI L. HUSHBECK, CITY CLERK

APPROVED as to form and legality this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

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TIMOTHY WILSON, INTERIM CITY ATTORNEY