

ORDINANCE NO. 17-24

AN ORDINANCE AMENDING SECTION 18-4-1-404.1, DIVISION 18-4-1, ARTICLE 18-4, CHAPTER 18, LAWTON CITY CODE, 2015, BY MODIFYING THE EXCEPTIONS WHICH ALLOW A CARPORT TO BE LOCATED WITHIN THE FRONT YARD BUILDING SETBACK OF A ONE OR TWO FAMILY DWELLING; AMENDING SECTION 20-1-101, ARTICLE 20-1, CHAPTER 20, LAWTON CITY CODE, 2015, AUTHORIZING ADMINISTRATIVE APPROVAL OF REVOCABLE PERMITS FOR CARPORTS ENCROACHING UPON PUBLIC UTILITY EASEMENTS OR PUBLIC RIGHTS-OF-WAY; PROVIDING FOR SEVERABILITY 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 of the Lawton City Code 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.

(1) Carport. A carport is defined as a permanent roofed structure open on at least two sides, when located within the building setback limits, and designed for or occupied by private passenger vehicles and includes any covered drive areas and porticos. Carports are permitted to be constructed with or added to a residential structure subject to the following conditions and requirements:

(a) A carport may be permitted on the side of a structure provided it is located at least five (5) feet from the side property line of an interior lot. A carport may be permitted on the side of a structure on a corner lot provided that it is located at least fifteen (15) feet from the right-of-way of the intersecting street. If the corner lot is not back to back with another corner lot, a setback of at least twenty (20) feet from the intersecting street is required.

(b) All carports shall comply with the front yard setback requirements of Chapter 18, with the following exceptions;

i. Carports used in conjunction with single-family dwellings or two-family dwellings located ~~only~~ on local streets as defined by the subdivision regulations and/or the long range transportation plan and located on lots for which the subdivision plat creating said lots was recorded prior to January 1, 1990, having a platted right-of-way in excess of sixty (60) feet shall be permitted to extend into the required front yard setback area and into the public right-of-way. However, no

- such carport shall be closer than ~~eleven and one half (11½)~~ twelve and one half (12½) feet in distance from back of the curb or the edge of the pavement or closer than two (2) feet from any public sidewalk. In no case shall the erection of such carports ~~interfere with~~ be closer than ten (10) feet from any public utility, encroach upon the existing sidewalks, sight triangle or restrict access to any fire hydrants. This provision does not give a landowner any legal right to the right-of-way, and the city shall be held harmless with respect to any future use of the right-of-way by the city or a utility company; or
- ii. ~~Carports may be permitted within the front yard setback of any single-family or two-family dwelling located on a local street as defined by the subdivision regulations or the long range transportation plan and having a platted right of way less than or equal to sixty (60) feet when located on lots for which the subdivision plat creating said lots was recorded prior to January 1, 1990, provided that no such carport shall be permitted closer than five (5) feet from the front property line or within a sight visibility triangle; or~~
  - iii. On lots located on local streets as defined by the subdivision regulations and/or the long range transportation plan for which the encroachment of a carport into the front yard setback would not otherwise be permitted, carports may be permitted within the front yard setback following the approval of a "special exception" by the Board of Adjustment per the procedure outlined in Division 18-2-1 of this code, provided that no such carport shall be permitted closer than ~~five (5) feet from the front property line~~ twelve and one half (12½) feet in distance from back of the curb or the edge of the pavement, closer than two (2) feet from any public sidewalk, or within a sight visibility triangle.
- (c) Under no circumstances shall any carport used in conjunction with a single-family dwelling or two-family dwelling exceed twenty-six (26) feet in width, nor extend into the front yard more than thirty (30) feet beyond the face of the dwelling. All ~~width~~ measurements shall be from eaves line to eaves line. No more than one (1) carport shall be permitted within the front yard for each dwelling unit.
  - (d) All carports which extend into the required front yard setback must abut the main structure and shall be permanently open on three (3) sides from the grade surface to the eaves line, with a maximum of four (4) support columns, with each having a maximum width of twelve (12) inches, or six (6) support columns/posts, with each having a maximum width of eight (8) inches.
  - (e) All carports shall have an architectural design that harmonizes with the main structure in material and appearance. Carports abutting the main structure shall also match the roof pitch and roofing materials of said structure. Metal carports shall not be permitted in the front yard, except

that when the main structure has a metal roof an attached carport may also employ the same material. If an application for a building permit is denied for failure to meet the above architectural design standards, the applicant may appeal said denial to the building materials review committee as established in Section 18-4-1-406 of this code.

- (f) The maximum height of any carport shall be twenty-four (24) feet or the height of the main structure, whichever is less.
- (g) Carports must be anchored to the ground with minimum twelve (12) inch diameter concrete footings set a minimum of twenty-four (24) inches into the ground, and able to withstand a minimum of twenty (20) pounds per square foot of uplift pressure.
- (h) The parking area beneath the carport and any driveway approach thereto must meet the requirements set forth in Division 18-8-1 of this code.
- (i) Prior to being issued a permit for a carport which extends beyond a platted building limit line, the applicant shall sign a disclaimer indicating that they fully understand that a permit issued by the City of Lawton to construct a carport beyond the building limit line as shown on a recorded subdivision plat does not relieve the lot owners' obligation to any plat restrictions, covenants, or conditions that may prohibit or otherwise limit said construction.

Section 2. Section 20-1-101 is hereby amended to read as follows:

**20-1-101 - Certain obstructions prohibited—Revocable permits and fees.**

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B.

1. Administrative approval of certain encroachments upon public utility easements may be approved by the code official through the permit procedure and the filing of an administrative revocable permit in the county clerk's records after payment of the fee listed in Appendix A, Schedule of Fees and Charges. Said permit will set out the terms and conditions for placement and removal of the encroachment. Such encroachments will be limited to wire, ornamental and wooden fences, landscaping and irrigation, driveways and walkways, accessory structures less than two hundred (200) square feet in total size and play equipment installed in accordance with the city's approved specifications for construction. Construction of such encroachments on the public utility easements will not diminish the city's rights or its authorized entities' rights for repairing, maintaining, and replacing public utilities. Installation of an irrigation system shall be permitted if all code provisions are met, and in addition, a location wire shall be installed with all piping installed within the right-of-way or easement. Accessory structures and play equipment shall only be permitted to encroach upon a public utility easement if the entire structure will be constructed without permanent foundations such that it can be readily moved by the property owner upon receiving proper notice thereof.

2. The encroachment of walkways, patios, and heating and air conditioning equipment upon easements located within the side yard of a lot or parcel and specifically dedicated for public street lighting purposes may be administratively approved by the code official through the permit procedure and the filing of an administrative revocable permit in the county clerk's records after payment of the fee listed in Appendix A, Schedule of Fees and Charges. Said permit will set out the terms and conditions for placement and removal of the encroachments.
3. The encroachment of carports upon public utility easements or the public right-of-way may be administratively approved by the code official through the building permit process and the filing of an administrative revocable permit in the county clerk's records after payment of the fee listed in Appendix A, Schedule of Fees and Charges. Said permit will set out the terms and conditions for placement and removal of the encroachment.
34. Administrative approval of certain encroachments constructed within a public utility easement or public right-of-way may be approved by the Planning Director through the subdivision or offsite improvement process and the filing of an administrative revocable permit in the county clerk's records after payment of the fee listed in Appendix A, Schedule of Fees and Charges. Said permit will set out the terms and conditions for placement and removal of the encroachments. Such encroachments must be clearly shown on an approved Construction Plat or approved construction plans for offsite improvements prepared in accordance with Chapter 21 of this Code and will be limited to:
  - a. Screen walls, fences and other landscaping features constructed of approved materials and including masonry supports and concrete foundations located in a public utility easement, provided that such are located within the screening non-access easement as provided for in Chapter 21 of this Code. The owner of the property on which the encroachment exists shall be responsible for maintaining same in a suitable condition; unless an owners association has otherwise assumed such responsibility.
  - b. Privately maintained subdivision entry signs and landscaping meeting city requirements, provided that an owners association or other acceptable private entity assumes the responsibility for maintaining said encroachments in a suitable condition.
  - c. Hard surface paving and curbs for parking, circulation and maneuvering, landscaping, walkways, and other features normally associated with a parking lot.
45. Any obstruction or structure located in or upon a city right-of-way or easement existing prior to December 14, 1994, or any other previously permitted encroachment upon public easement or right-of-way which require maintenance or reconstruction in the same location may be permitted by the code official through the permit procedure and the filing of an administrative revocable permit in the county clerk's records after payment of the cost of recording same at the County Clerk's Office. Said maintenance and reconstruction shall not include any expansion of the encroachment.

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Section 3 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 4. Effective Date. The provisions of this ordinance shall become effective thirty (30) days after the date of passage of the ordinance.

**ADOPTED and APPROVED** by the Council of the City of Lawton, Oklahoma this 8th day of August, 2017.

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FRED L. FITCH, MAYOR

ATTEST:

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TRACI L. HUSHBECK, CITY CLERK

APPROVED as to form and legality this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

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FRANK JENSEN, CITY ATTORNEY