

AGENDA

Special Meeting of the
Nichols Hills City Council
Monday, October 28, 2024 at 10:00 AM
City Hall, 6407 Avondale Drive
Nichols Hills, OK 73116

If special assistance is needed for this meeting by any person wishing to attend, please contact the City Clerk's office no later than 48 hours prior to the meeting, and such assistance will be provided.

Official action may be taken by the City Council only on items that appear on this Agenda. The City Council may dispose of the business set out on this Agenda by accepting, approving, adopting, rejecting, amending, or postponing action as to each item, as determined by the City Council.

1. Call to Order
2. Roll Call
3. Citizens Desiring to Be Heard

The purpose of this time is to allow members of the public to speak to the City Council on any matter that is not otherwise set for consideration on this Agenda.

4. Items for Separate Vote - Ordinances, Resolutions, and Other Matters
Consideration of approval, acceptance, rejection, amendment, and/or postponement of the following:

- a. Request from the Public Arts Commission to seek proposals for art in the Love Family Park.
- b. Request from the Public Arts Commission to seek proposals for art on the city sanitation vehicles.
- c. An Ordinance amending Article VI of Chapter 8 of the Nichols Hills City Code regarding fences and walls on corner lots; repealing all conflicting ordinances or parts of ordinances; providing for severability; and declaring an emergency.

- i. Consideration of approval or disapproval of the emergency section of the foregoing ordinance.
- d. Discussion, consideration, and possible action regarding fences on lots in the residential districts (other than fences on corner lots).
- e. An ordinance amending Article VII of Chapter 8 of the Nichols Hills City Code regarding construction and demolition site screening; repealing all conflicting ordinances or parts of ordinances; providing for severability, and declaring an emergency.
- i. Consideration of approval or disapproval of the emergency section of the foregoing ordinance.

5. Adjournment

I certify that the forgoing was filed in the Office of the City Clerk at 9:25 AM on the 24th day of October, 2024 and posted in prominent view on the window at City Hall, 6407 Avondale Drive, at 9:40 AM on the 24th day of October, 2024; posted to the [City of Nichols Hills website](#) at 5:00 PM on the 24th of October, 2024; and transmitted by email at 5:00 PM on the 24th day of October, 2024 to those persons who have requested to be included on such notices pursuant to the Open Meeting Act and to those who have requested such notice.



City Clerk
City of Nichols Hills, Oklahoma

City Council Item Report

MEETING DATE

October 28, 2024

AGENDA ITEM # 4.c

An Ordinance amending Article VI of Chapter 8 of the Nichols Hills City Code regarding fences and walls on corner lots; repealing all conflicting ordinances or parts of ordinances; providing for severability; and declaring an emergency.

ATTACHMENTS

1. NH- Corner Lot Fence Ordinance 10.23.24-5.1

Published in _____ on _____, 2024

ORDINANCE NO. _____

AN ORDINANCE AMENDING ARTICLE VI OF CHAPTER 8 OF THE NICHOLS HILLS CITY CODE REGARDING FENCES AND WALLS ON CORNER LOTS; REPEALING ALL CONFLICTING ORDINANCES OR PARTS OF ORDINANCES; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

EMERGENCY ORDINANCE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NICHOLS HILLS, OKLAHOMA:

Section 1. Section 8-165 of the Nichols Hills City Code is hereby amended, with deleted language stricken through and new language underlined, to wit:

Sec. 8-165. Building Fence Permit required.

A building Fence Permit shall be obtained from the City Clerk prior to the erection or construction of any Fence or wall. The permit fee shall be as established in the City Fee Schedule, and the permit shall be valid for six months from the date of issuance. No permit shall be required for the repair or replacement of 25 percent or less of an existing Fence or wall.

Section 2. Section 8-174 of the Nichols Hills City Code is hereby added to the Code, with new language underlined, to wit:

Sec. 8-174. Additional Fence and wall restrictions for Corner Lots.

The following additional regulations apply to Corner Lots. Fences and walls installed prior to the effective date of this Section must be brought into compliance for any replacement or repair of the Fence or wall that requires a Fence Permit.

(a) *Iron Fences.* Iron Fences are permitted. Iron Fences must be capped and must contain columns or pilasters at least every 20 feet along the Fence to break up large undifferentiated masses of Fence.

(b) *Wood Fence construction.* Wood Fences must be capped and must contain columns or pilasters at least every 20 feet along the Fence to break up large undifferentiated masses of the Fence. Wood Fences subject to this Section may be constructed with a combination of wood, stone or masonry support columns.

(c) *Wall construction.* Walls must be constructed out of stone, masonry or similar materials approved by the Code Official, and must contain columns or pilaster at least every 20 feet along the wall to break up large undifferentiated masses of the wall. The Code Official may only approve materials which are the same materials and colors used on the Main Building; provided, in no case will corrugated steel materials be approved for construction of the wall.

(d) *Height restrictions.* Fences and walls subject to this Section must comply with the height restrictions for Fences and walls; provided, the caps, columns or pilasters required by this Section may extend six inches above the Fence or wall element.

(e) *Setbacks.* Any Fence or wall subject to this Section must, to the extent practicable, be set back and contoured to match the contours of abutting public streets and other rights-of-way.

Sec. 8-174 5 – 8-199. Reserved.

Section 3. All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 4. The provisions of this ordinance are severable and if any part or provision hereof shall be adjudged invalid by any court of competent jurisdiction, such adjudication shall not affect or impair any of the remaining parts or provisions hereof.

Section 4. EMERGENCY SECTION. WHEREAS, in the judgment of the Council it is necessary for the preservation of the peace, health, welfare and safety of the City of Nichols Hills, Oklahoma, and of the inhabitants thereof that the provisions of this ordinance be put into full force and effect immediately, and therefore an emergency is hereby declared to exist by reason whereof this ordinance shall take effect and be in full force from and after its passage as provided by law.

PASSED by the Council of the City of Nichols Hills, Oklahoma, on the ____ day of _____, 2024.

APPROVED by the Mayor of the City of Nichols Hills, Oklahoma, on the ____ day of _____, 2024.

ATTEST:

Mayor

City Clerk

Reviewed as to Form and Legality:

City Attorney

City Council Item Report

MEETING DATE

October 28, 2024

AGENDA ITEM # 4.d

Discussion, consideration, and possible action regarding fences on lots in the residential districts (other than fences on corner lots).

ATTACHMENTS

1. City Code - Fence and Wall Ordinances
2. Fence Ordinance Ideas 10-23-24
3. Document Viewer _ City of Savannah Code of Ordinances
4. Oregon HP Review Board fence policies

Existing City Code provisions regarding fences and walls plus corner lot provision agreed to by Council but not yet adopted.

CHAPTER 8, BUILDINGS AND BUILDING REGULATIONS
DIVISION 3. FENCES AND WALLS

Sec. 8-165. Fence Permit required for fences and walls.

A Fence Permit shall be obtained from the City Clerk prior to the erection or construction of any Fence or wall. The Permit Fee shall be as established in the City Fee Schedule, and the Permit shall be valid for six months from the date of issuance. No Permit shall be required for the Repair or replacement of two panels or less of an existing Fence or 16 linear feet of an existing wall. However, Fence Permits will not be issued for the replacement of more than two panels of an existing Fence composed of materials that are prohibited by Section 8-170.

Sec. 8-166. Setback requirements for fences and walls; procedure for appeals.

- (a) No Fence or wall shall be constructed in front of the front wall of the Main Building on any Lot or Building site on which a Main Building exists. However, such restrictions shall not apply to fences or walls of ornamental design located on a Lot or Building site on which a Main Building exists which meet the following criteria:
 - (1) Maximum height of the basic Fence panel or wall element is 30 inches above ground level;
 - (2) Support posts or columns, and light fixtures or ornamental attachments, may extend six inches above the installed Fence panel or wall element;
 - (3) Such ornamental Fence Structures shall be located not closer than 20 feet to the back of the Street curb or to the edge of the Street pavement if there is no Curb.
- (b) The restrictions in subsection (a) of this Section shall not apply to fences or walls on the east side of Lots located at the following addresses:
 - (1) 1100 Larchmont Lane.
 - (2) 1101 Larchmont Lane.
 - (3) 1100 Huntington Avenue.
 - (4) 1101 Huntington Avenue.
 - (5) 1100 Hemstead Place.
 - (6) 1101 Hemstead Place.
 - (7) 1100 Glenwood Avenue.
 - (8) 1101 Glenwood Avenue.
 - (9) 1100 Belford Avenue.
 - (10) 1101 Belford Avenue.
 - (11) 1100 Marlboro Lane.
 - (12) 1101 Marlboro Lane.
 - (13) 1100 Tedford Way.

- (14) 1101 Tedford Way.
- (15) 1100 Park Manor.
- (16) 1101 Park Manor.
- (17) 1100 Bedford Drive.
- (18) 1101 Bedford Drive.
- (19) 1100 Fenwick Place.
- (20) 1101 Fenwick Place.

However, if a Fence on the east side of the Lots at such addresses extends to within three feet of the Nichols Hills entry markers, the height of the Fence must be tapered to match the height of the entry markers.

- (c) Where a Lot with a Main Building has been combined with an abutting or adjacent vacant Lot, no Fence or wall on the vacant Lot shall be constructed closer than eight feet behind the front wall of the Main Building, nor in front of the front Building Line on any adjacent Property or premises, provided the City Manager shall be authorized to, in the City Manager's discretion, permit such Fence or wall to be constructed an additional two feet closer to the front wall of the Main Building where necessary to place the Fence or wall in front of existing permanent improvements such as air conditioning units, doors, windows, large trees, trash receptacle screens or walls, utilities, pool equipment, electric generators, utility meters, and other similar conditions. Fences or walls described in this subsection shall run either parallel or perpendicular to the Street on the vacant Lot.
- (d) The Board of Adjustment shall have the power, in specific cases and upon such conditions as the board shall deem appropriate, to grant such Variance from the terms of subsection (a) of this Section as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions thereof will result in unnecessary hardship and, by granting a Variance, the spirit of this Section will be observed and substantial justice will be done. Such Variances may be granted only upon findings by the Board of Adjustment that the application of this Section to the particular piece of Property would create an unnecessary hardship; such conditions are peculiar to the particular piece of Property involved; and relief, if granted, would not cause substantial detriment to the public good, or impair the spirit, purposes and intent of the restrictions contained in subsection (a) of this Section.
- (e) Appeals to the Board of Adjustment shall be taken by filing a Notice of Appeal with the City Clerk, together with a list of all Owners of Property within a 300-foot radius of the exterior boundary of the subject Property, and payment of a fee in the amount established in the City Fee Schedule. Notice of the public hearing by the Board of Adjustment shall be given in the same manner as required for hearings on requested Variances from the terms of the Zoning Ordinances; and the provisions of Chapter 50, Article IV, shall apply to all proceedings before the Board of Adjustment for Variances from the terms of subsection (a) of this Section.

Sec. 8-167. Height restriction as to fences and walls.

No Fence or wall higher than eight feet above ground level shall be erected or constructed on any premises within the City. The architectural design and material used for the construction of

any Fence or wall shall harmonize with the Main Building and shall comply with applicable plat restrictions, if any. The Board of Adjustment shall have the same power to grant Variances from the terms of this Section as is granted in Section 8-166(b) and (c) for the granting of Variances from the terms of Section 8-166(a). The conditions, standards and provisions of Section 8-166(b) and (c) shall apply to all proceedings before the Board of Adjustment for Variances from the terms of this Section.

Sec. 8-168. Measurement of Fence and wall height.

- (a) For the purposes of Sections 8-166 and 8-167, the height of a Fence or wall shall be measured from ground level, using the original contours of the Lot prior to grading or filling for construction purposes, measured on the outside face.
- (b) Where a Fence or wall has been constructed on top of a retaining wall, the height of the retaining wall as measured on the outside face, adjacent to a Street or abutting Property, shall be included in the calculation of maximum permitted height.

Sec. 8-169. Electrified, barbed wire and broken glass Fences and walls prohibited.

No electrified Fence or wall and no Fence or wall containing broken glass, barbed wire or other substances reasonably calculated to do bodily harm shall be permitted.

Sec. 8-170. Prohibited Fence materials.

Chain-link, plastic, and polyvinyl fencing of any kind are prohibited. However, nothing in this Section prohibits the Repair of an existing Fence composed of chain-link, plastic or polyvinyl pursuant to Section 8-165.

Sec. 8-171. Required Fence appearance.

- (a) Fences visible from churches, public Streets and public parks shall be constructed with the better side facing the church, public Street or public park and all stringers, posts, and other supports upon which Fence panels are mounted shall be located on the inside of the Fence facing the interior of the Property.
- (b) Where a development is required by the City Zoning Code to provide sight-proof screening for abutting Property, the better sides shall face the abutting Property.

Sec. 8-172. Additional Fence and wall restrictions for combined Lots.

- (a) For Lots where a Lot with a Main Building has been combined with an abutting or adjacent vacant Lot, with respect to the Street-facing side of such Lots, the following additional regulations shall apply:
 - (1) *Fences.*
 - a. Chain-link fences of any kind are prohibited.
 - b. Iron fences are permitted. Such iron fences shall be constructed with a combination of stone or masonry support columns.

- c. Wood fences of any kind are prohibited unless the wood Fence is capped and contains support columns or pilasters at least every 20 feet along the wall to break up large undifferentiated masses of the wall. Wood fences subject to this Section may be constructed with a combination of stone or masonry support columns.
- d. Fences shall comply with the height restrictions of this Code for fences, provided, the columns or pilasters required by this Section may extend six inches above the Fence element.
- e. Evergreen Landscaping shall also be used in front of the Fence to break up large undifferentiated masses of the Fence.
- f. In addition to the Setback requirements of Section 8-166(b) and with the exception of fences permitted by Section 8-166(a), fences subject to this Section must be set back from the Street sufficiently to enable the installation of the Landscaping required by subsection (a)(1)c of this Section without placing any significant Landscaping within the public right-of-way or on top of utility easements. Further, any Fence subject to this Section shall, to the extent practicable, be set back and contoured to match the contours of abutting public Streets and other rights-of-way.

(2) *Walls.*

- a. Walls shall be constructed out of stone, masonry or similar materials approved by the Code Official, and shall provide columns or pilasters at least every 20 feet along the wall to break up large undifferentiated masses of the wall. The Code Official shall only approve materials which are the same materials and colors used on the Main Building, provided in no case shall corrugated steel materials be approved for construction of the wall.
 - b. Walls shall comply with the height requirements of this Code for walls, provided, the columns or pilasters required by this Section may extend six inches above the wall element.
 - c. Evergreen Landscaping or trees shall be used in front of the wall to break up large undifferentiated masses of the wall.
 - d. In addition to the Setback requirements of Section 8-166(b) and with the exception of walls permitted by Section 8-166(a), walls subject to this Section must be set back from the Street sufficiently to enable the installation of the Landscaping required by subsection (a)(2)c of this Section without placing any significant Landscaping within the public right-of-way or on top of utility easements. Further, any walls subject to this Section shall, to the extent practicable, be set back and contoured to match the contours of abutting public Streets and other rights-of-way.
- (b) For the purposes of Section 8-167, the height of fences or walls subject to this Section shall be measured from the average elevation of the ground over the nearest four feet to the outside of the Fence, using the original contours of the ground prior to grading and filling for construction purposes.
- (c) The Board of Adjustment shall have the same power to grant Variances from the terms of this Section as is granted in Section 8-166(b) and (c) for the granting of Variances from the terms of Section 8-166(a).

Sec. 8-173. Playground Equipment enclosures.

- (a) As used in this Section, the term "Playground Equipment" means partially or fully enclosed playhouses and any improved area or product designed for child play activities in which the support Structure remains stationary while the activity is taking place and is intended for a child to perform climbing, swinging, sliding, rocking, spinning, crawling, or creeping, or any combination thereof.
- (b) No Playground Equipment shall be erected, constructed or installed on private Property within the City without erecting and maintaining thereon an adequate Fence or wall enclosure either surrounding the Property or the playground area, sufficient to make such Playground Equipment inaccessible to small children.
- (c) The Fence or wall enclosure, including gates, shall be not less than four feet in height. All gates shall be self-closing and self-latching with latches placed four feet above the underlying ground and otherwise made inaccessible from the outside to small children.
- (d) All fences or walls constructed pursuant to this Section are subject to the requirements of Sections 8-165, 8-166, and 8-169 through 8-171.

Secs. 8-174—8-199. Reserved.

Provisions regarding corner lots that have been reviewed and approved by City Council but have not yet been adopted by ordinance:

Sec. 8-____. Additional Fence and wall restrictions for Corner Lots.

The following additional regulations apply to Corner Lots. Fences and walls installed prior to the effective date of this Section must be brought into compliance for any replacement or repair of the Fence or wall that requires a Fence Permit.

(a) *Iron Fences.* Iron Fences are permitted. Iron Fences must contain columns or pilasters at least every 20 feet along the Fence to break up large undifferentiated masses of Fence.

(b) *Wood Fence construction.* Wood Fences must be capped and must contain columns or pilasters at least every 20 feet along the Fence to break up large undifferentiated masses of the Fence. Wood Fences subject to this Section may be constructed with a combination of wood, stone or masonry support columns.

(c) *Wall construction.* Walls must be constructed out of stone, masonry or similar materials approved by the Code Official, and must contain columns or pilaster at least every 20 feet along the wall to break up large undifferentiated masses of the wall. The Code Official may only approve materials which are the same materials and colors used on the Main Building; provided, in no case will corrugated steel materials be approved for construction of the wall.

(d) *Height restrictions.* Fences and walls subject to this Section must comply with the height restrictions for Fences and walls; provided, the caps, columns or pilasters required by this Section may extend six inches above the Fence or wall element.

(e) *Setbacks.* Any Fence or wall subject to this Section must, to the extent practicable, be set back and contoured to match the contours of abutting public streets and other rights-of-way.

Fence and Wall – Proposed Ideas for Council consideration 10-23-24

General Fence and Wall requirements in the Residential Zoning Districts.

Fences and Walls in the E-1 Estate District, the E-2 Urban Estate District, the R-1-75 Single-Family Residential District, the R-1-60 Single-Family Residential District, and the R-2 Two-Family Residential District must meet the following requirements:

- (1) *Design and materials.* The entire length of Fences and Walls must be constructed of the same or harmonious materials using a consistent design.
- (2) *Finished side.* Fences must be constructed so that the rough, unfinished side, as well as the posts and all other supporting members, face to the owner's side, except in cases where the posts are an integral part of the fence design that enhances the aesthetic appearance of the Fence.
- (3) *Visible Fences and Walls.* Fences and Walls visible from a Street or public way must comply with the following:
 - a. *Iron Fences.* Iron Fences are permitted. If the Iron Fence is longer than __ feet, it must contain columns or pilasters at least every __ feet along the Fence to break up large undifferentiated masses of Fence.
 - b. *Wood Fence construction.* Wood Fences must be capped. If the Fence is longer than __ feet, it must contain columns or pilasters at least every __ feet along the Fence to break up large undifferentiated masses of the Fence. Wood Fences subject to this Section may be constructed with a combination of wood, stone or masonry support columns.
 - c. *Wall construction.* Walls must be constructed out of stone, masonry or similar materials approved by the Code Official. If the Wall is longer than __ feet, it must contain columns or pilasters at least every __ feet along the Wall to break up large undifferentiated masses of the Wall. The Code Official may only approve materials which are the same materials and colors used on the Main Building; provided, in no case will corrugated steel materials be approved for construction of the Wall.
- (4) *Gates.* Every Fence or Wall that creates a wholly-enclosed area and adjoins an existing or proposed street right-of-way must include a gate to provide access to the right-of-way.
- (5) *Construction in public right-of-way.* Fences and Walls may not be erected in the public right-of-way except as allowed by Section 8-27 pursuant to a Revocable Permit.
- (6) *Wind Force.* Fences and Walls must be designed and constructed to resist a horizontal wind pressure of not less than 30 pounds per square foot and permanent anchored to the ground by a base situated entirely on the subject property.

Fence and Wall – Proposed Ideas for Council consideration 10-23-24

- (7) *Drainage.* Fences and Walls may not be constructed in any manner that interferes with the drainage of adjoining properties.
- (8) *Swimming pool Fences and Walls.* Fences and Walls around swimming pools must comply with Section 8-203.
- (9) *Fence and Wall maintenance.* All Fences and Walls must be maintained in good condition in compliance with the applicable provisions of the International Property Maintenance Code, as modified and adopted by the City, including protection of Fence and Wall surfaces as required.

Sec. 9.6 Fences and Walls

9.6.1 Purpose

The purpose of this Section is to provide minimum standards for the design and placement of fences and walls.

9.6.2 Applicability

- a. This Section applies to fences and walls visible from street rights-of-way and adjacent properties.
- b. For properties located within certain overlay districts, there may be fence and wall standards in addition to this Section. See [Article 7.0, Overlay Districts](#). Where any standard of this Section conflicts with a standard in an overlay district, the standard of the overlay district shall apply.

9.6.3 Exemptions

- a. This Section shall not apply to retaining walls and noise barriers.
- b. Detention and correctional facilities shall be exempt only from Sec. [9.6.4.d. Height](#) and Sec. [9.6.4.e. Materials and Design Standards](#).
- c. This Section shall not prohibit the erection of temporary fences or walls for construction sites or similar activities where approved by the City Manager or his or her designee.

9.6.4 General Provisions

a. Permit Required

A Fence Permit is required to construct a wood or chain link fence over seven (7) feet in height. Masonry and concrete fences or any type of fence structure that is intended to have a footing requires a Fence Permit.

b. Visibility Triangle

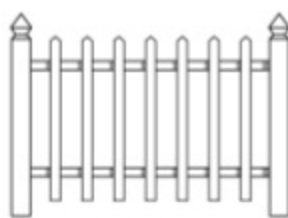
At the intersection of a driveway and a street and on all corner lots (the intersection of two streets), a visibility triangle shall be established as set forth in Sec. [4.2](#).

c. Fence and Wall Types

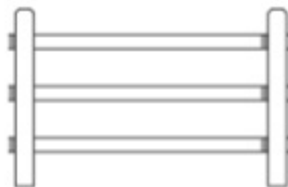
i. Open

A fence or wall that consists of more than 75% open voids, as viewed on a horizontal plane.

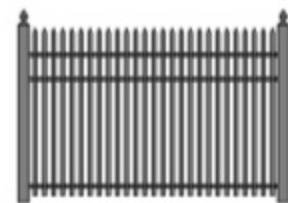
Figure 9.6-1 Examples of Open Fence styles



Spaced Picket



Split Rail

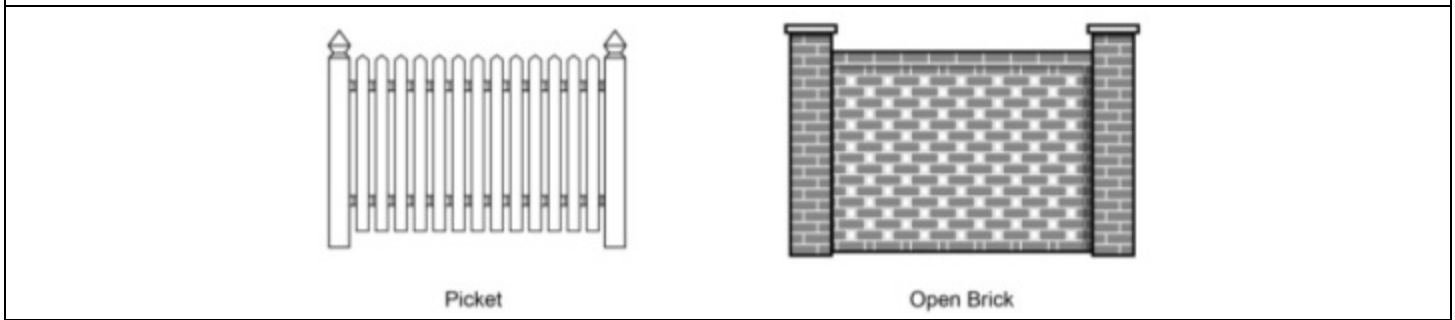


Iron Style

ii. Semi-Opaque

A fence or wall that consists of between 25% and 75% open voids, as viewed on a horizontal plane.

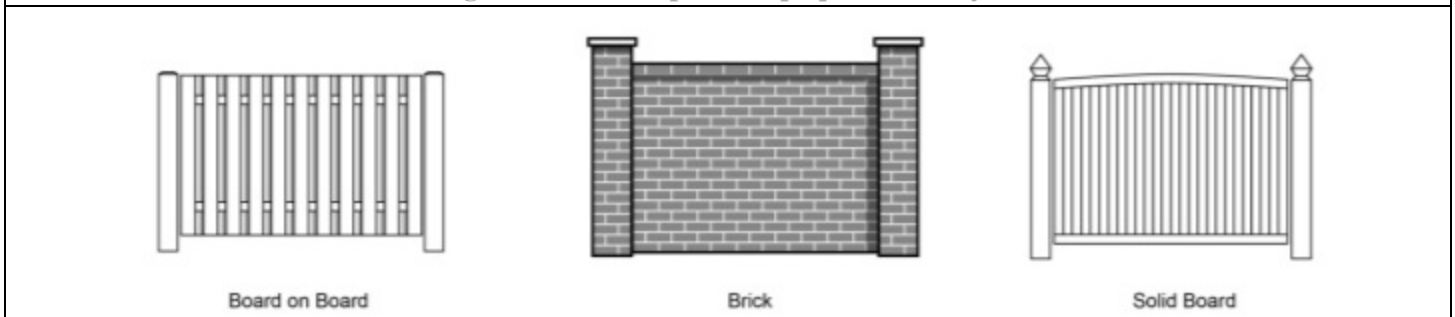
Figure 9.6-2 Examples of Semi-opaque Fence Styles



iii. Opaque

A fence or wall which has no openings, other than gates, or contains shiplap, tongue and groove or similar overlapping design if made of wood. Apart from opaque walls required by Sec. 9.5, Screening and Buffers, fences or walls that are less than 25% open as viewed on a horizontal plane shall be considered opaque.

Figure 9.6-3 Examples of Opaque Fence Styles

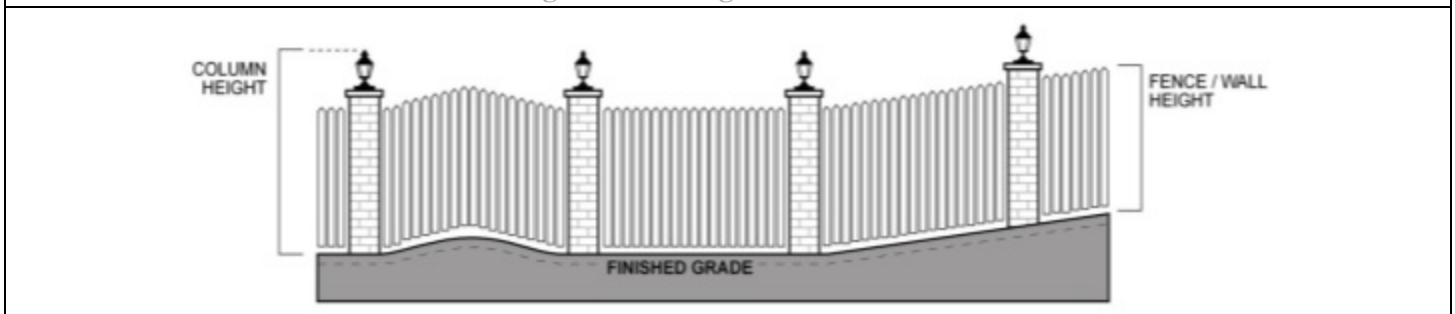


d. Height

i. How to Measure

1. The height of a fence or wall shall be measured from the finished grade at the base of the fence or wall to the top of the fence or wall but shall not include posts or columns. Where the finished grade changes, the fence height shall change with the grade.

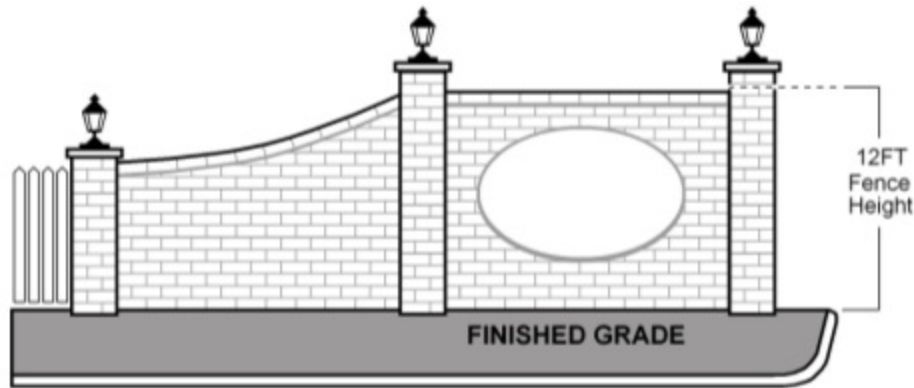
Figure 9.6-4 Height Measurement



2. A post or column, including decorative features, may extend above the maximum height of the fence or wall as follows:
 - a. One (1) foot above the height limit when the size of the post or column is less than six by six (6 x 6) inches; or
 - b. Two (2) feet above the height limit when the size of the post or column is six by six (6 x 6) inches or greater.
3. Barbed or concertina wire, where permitted, shall not be included in the calculation of the height of a fence or wall. However, such wire assemblies or additions shall be restricted to no more than three (3) horizontal wire strands that do extend more than 18 inches above the top of the fence.

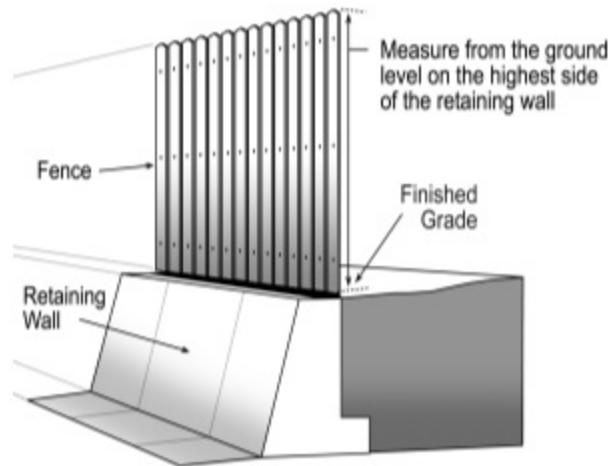
4. A fence or wall that is part of an entry feature or sign may not exceed 12 feet in height.

Figure 9.6-5 Fence or Wall Height when part of Entry Feature or Sign



5. The height of a fence or wall located on top of a retaining wall is measured from finished grade on the higher side of the retaining wall.

Figure 9.6-6 Measurement for Fences or Walls on Retaining Walls



ii. Residential and Mixed Uses

The maximum height of a fence or wall for Residential and Mixed Uses shall be as follows:

1. Front Yards and Side (Street) Yards (when forward of a front façade): four (4) feet maximum. Additional height may be permitted if the design standards of 9.6.4.e.iv. are met.
2. Side (Interior) Yards, Rear Yards and Side (Street) Yards (when behind a front façade): eight (8) feet maximum
3. Perimeter Fencing for a residential development or apartment complex: eight (8) feet

iii. Nonresidential Uses

The maximum height of a fence or wall for Nonresidential Uses shall not exceed eight (8) feet unless otherwise required by this Ordinance. Additional height may be requested in accordance with Sec. 3.12, Special Exceptions.

iv. Recreational Fencing

Open fences and walls along the perimeter of recreational uses, such as basketball and tennis courts, may not exceed 10 feet in height. The backstop fence for a baseball or softball field and batting cages shall be excluded from the maximum height standard.

e. Materials and Design Standards

- i. Only the following materials shall be permitted:

1. Wrought iron and extruded aluminum;
2. Split-face concrete masonry units (CMU);
3. Brick;
4. Stone with mortar or dry stack stones;
5. EIFS or stucco;
6. Composite materials;
7. Vinyl;
8. Decay-resistant wood that is at least 5/8 inch thick. Wooden fence surfaces other than cypress or cedar should be painted or stained in order to protect the wood from decay;
9. Chain link for single- and two-family uses and any use within any Agricultural zoning district;
10. Chain link within any Industrial zoning district shall be galvanized, polyvinyl chloride (PVC) color coated in either black, dark green or dark brown;
11. Wire fences with wood or decorative posts for single- and two-family uses in and any use within any Agricultural zoning district;
12. Barbed or concertina wire fences within any Industrial zoning district provided that:
 - a. The barbed or concertina wire shall be located at least six (6) feet above the base of the fence; and
 - b. Along a street right-of-way the fence shall be set back at least 10 feet from the property line and screened by vegetation. Table 9.6-1 provides the amount and type of plantings required per 100 linear feet of fencing in addition to that required by Sec. 9.5.4.g. This standard shall not apply where a Local Street Yard Buffer, Street Yard Buffer for Certain Uses or Class 6 Land Uses Street Yard Buffer as specified in Sec. 9.5.4.h. is provided.

Table 9.6-1 Vegetative Screening for Barbed or Concertina Wire Fences

Street Classification	Additional Understory Trees	Additional Shrubs
Local Street (Street Yard Buffer not required)	9	33
Collector/Arterial Street	4	10
Limited Access Highway	4	25

- c. Shrubs shall be a minimum of three (3) feet tall at the time of installation, spaced no more than three (3) feet on center and shall be of a variety found in Table 9.5-2, Acceptable Shrub Species for Hedges in Use Buffers.

13. Barbed wire at any height for the following uses: agriculture, restricted; agriculture, general; and livestock sales/auction; and
14. Other materials as approved by the Planning Director.
- ii. Along street rights-of-way, opaque and semi-opaque fences and walls shall be interrupted at intervals not exceeding 30 feet by masonry pilasters or columns. This shall not apply to subdivisions and developments existing as of the Effective Date of this Ordinance or single- and two-family uses.
- iii. Fences shall be constructed with the finished side facing adjacent properties or street rights-of-way.
- iv. **Front Yard Fences and Walls for Residential and Mixed Uses**

The following design standards apply to fences and walls within the front yard of Residential and Mixed uses that exceed four (4) feet in height:

1. The maximum height of the fence or wall shall be six (6) feet. For the purpose of this fence location, the height shall be measured to the top of the post or column.
2. The overall design of the area of the fence or wall above three (3) feet in height shall be a minimum of 70% open.

v. Enclosures for Swimming Pools

1. All swimming pools shall be completely enclosed by a fence or wall at least four (4) feet in height or a screen enclosure. Openings in the fence or wall shall not permit the passage of a four- (4) inch diameter sphere. The enclosure shall be equipped with self-closing and self-latching gates which shall open outwards away from the pool. Such fence or wall shall be set back at least one (1) foot from the property line for each foot it exceeds six (6) feet in height provided that the swimming pool is located within a rear yard. All other provisions pertaining to fences and walls, including design and location shall apply.
2. Such fences or walls shall also comply with the Georgia Rules of Department of Public Health, Chapter 290-5-57 Swimming pools, Spas and Recreational water parks, as amended and the Standard Swimming Pool Code, as amended.

f. Landscaping Standards for Certain Opaque Fences and Walls

i. Applicability

Where an opaque fence or wall exceeding three and one-half (3.5) feet in height is located along a street right-of-way for 50 feet or more, landscaping shall be provided according to the following standards in order to enhance the appearance of long segments of such fence or wall.

ii. Exemptions

1. All fences and walls located within an historic overlay district;
2. Fences and walls existing as of Effective Date of this Ordinance
3. Fences and walls where a Street Yard Buffer is required; and

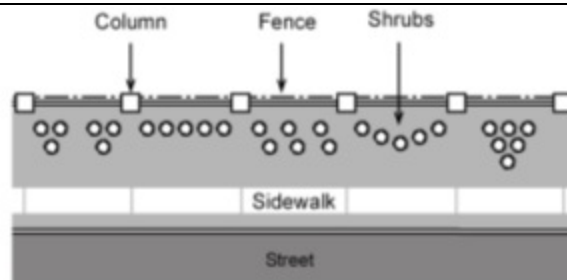
iii. Location

1. In those subdivisions with a homeowner's association, where there is more than one property, the fence or wall and the plantings shall be located within the common area of the development. The fence or wall and the plantings within the common area shall be the responsibility of the property or homeowner's association.
2. The minimum distance between the fence or wall and the street right-of-way shall be five (5) feet.

iv. Plantings required

1. All plantings shall be installed on the side of the fence that faces the street right-of-way.
2. No more than 30% of the plant material shall be deciduous.
3. The number of shrubs to be planted shall be calculated at a ratio of one (1) shrub per five (5) linear feet of property frontage along a street right-of-way. Small understory trees may be used and shall count as two (2) shrubs when calculating the required number of plantings.
4. Shrubs shall be a minimum of two (2) feet tall at the time of installation and shall be of a variety that under normal circumstances will grow to be two-thirds (2/3) the height of the fence or wall within three (3) years of erection.
5. Shrubs may be installed in a linear fashion or in a staggered, clustered or grouped fashion provided that there is no more than 30 feet of blank fence or wall at any given location.

Figure 9.6-7 Example of planting arrangements along fences



6. Shrubs and small understory trees shall be planted in conformance with the City of Savannah Landscaping and Tree Protection Ordinance.

OREGON CITY HISTORIC REVIEW BOARD POLICIES

HISTORIC REVIEW BOARD POLICY #6:

Fences and Walls

A Guide for Property Owners



ABOUT THE HISTORIC REVIEW BOARD POLICIES

The City has adopted protections for locally designated properties to ensure these historic buildings maintain their integrity.

The Historic Review Board (HRB) adopted policies for minor alterations to historic structures that can be done without formal Board review. The policies are meant to provide clear direction to historic property owners on exterior changes including but not limited to roofing, siding, windows and doors. HRB Policies were first adopted in 1986 and updated in 2019.

Locally designated properties are subject to HRB Policies. This includes designated structures in McLoughlin Conservation District, all structures in Canemah National Register District, and landmarks outside of districts. To see if a property is designated, visit www.orcity.org/maps/historic-resources.

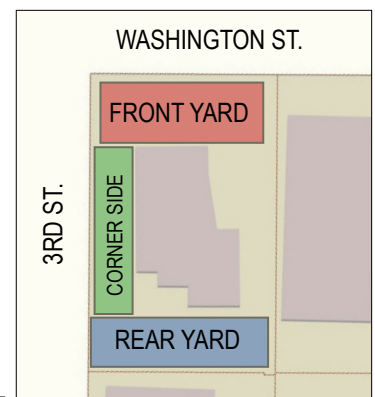
HRB POLICY #7: FENCES AND WALLS

The HRB advises property owners that fences and walls are an extension of the architecture of the house. According to the Secretary of the Interior's Standards for Rehabilitation, additions such as fences "should be compatible with the size, scale, material and character of the property, neighborhood or environment."

Fences in the front yard are typically more open and decorative, while fences in the side and rear yards are more utilitarian.

Front yard fences or walls and corner side yard fences or walls shall be no more than 42 inches in height and shall not create a traffic sight obstruction (as defined in Chapter 10.32 of the Oregon City Municipal Code). Along rear yards and interior side yards (beyond the front building line of the structure), fences or walls may be up to six (6) feet in height. Fences or walls on vacant properties may utilize materials that are in the "ACCEPTABLE" category in front and corner side yards; HRB review is required if rear yard fence types are desired in front/corner side yards.

Staff may approve fences or walls that are listed in the "ACCEPTABLE" category through an



Yard Diagram



administrative review. Fences or walls that are not listed, or that are specifically listed under the “NOT ACCEPTABLE” category shall be submitted for review and decision by the HRB. Fences or walls that are made of “not acceptable” materials may be utilized if fully obscured. Pressure-treated wood may only be used for fence posts and not for any other portions of the fence, and shall be non-incised.

WHAT DOES THIS MEAN FOR YOU?

This means a few things as a property owner with a designated historic property:

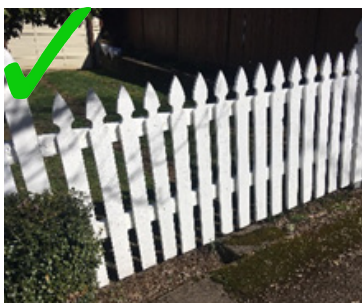
- If the fence is listed in the “acceptable” category, the review is an administrative review at the staff level and does not require an additional permit for this review or any additional fee.
- If the fence is listed in the “not acceptable” category, then it must be referred or submitted to the HRB for review and decision, which will require a fee of \$50.
- If building a retaining wall, contact the building department to verify if a building permit is required.

ACCEPTABLE FENCE AND WALL TYPES IN FRONT AND CORNER SIDE YARDS

DESCRIPTION

EXAMPLE

Wood Picket: Wood fence with vertical pickets spaced at least one inch apart to six inches apart. Pickets may be pointed or straight, and boards may be flat or square. Includes traditional white painted (preferred); unpainted or different color paint is also acceptable. May be scalloped or straight on top, or topped with a railing.



Iron Picket: Includes wrought iron picket fences with simple or ornate designs



Ornamental Cast Iron: Cast iron fences and gates with ornamentation or detailed designs



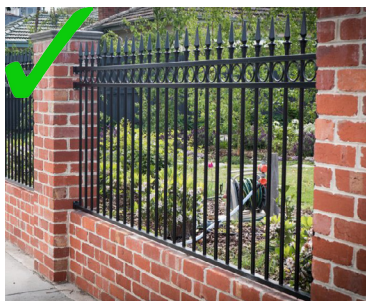
Brick: Includes bricks of any color or size. Allowed in combination with other masonry types



Basalt Stone: Basalt Stone was quarried locally in Oregon City's past. Basalt stone may be mortared or stacked. Basalt Veneer is typically mortared. This does not include manufactured stone veneer products. May be topped with bricks.



Combinations of Iron and Masonry: Brick, stone, or cast-in-place concrete with iron fencing atop or integrated into the wall



Woven Wire: Decorative woven wire with loop top design and with wood posts and rails



Cast-in-place Concrete: Poured concrete wall with smooth or textured finishing



Steel or Aluminum Rail: Permitted only on non-residential properties (e.g. commercial buildings, schools, religious institutions)



Solid Wood Board (Un-spaced Picket):

Vertical wood boards without spaces between boards. May be scalloped or straight on top, or topped with a railing.



NOT ACCEPTABLE FENCE AND WALL TYPES IN FRONT AND CORNER SIDE YARDS

DESCRIPTION

EXAMPLE

Chain-link: Consists of steel wire woven to form a diamond-shaped mesh. Includes uncoated, powder coated, and with or without slats. Also includes chain-link hedge slats.



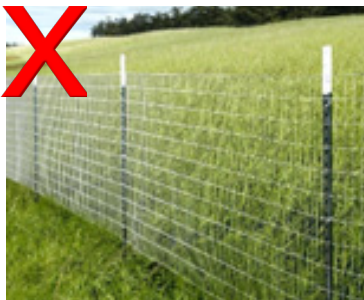
Post and Rail / Split Rail: Also known as a log fence, zigzag fence, worm fence or snake fence, made out of timber logs, usually split lengthwise into rails. Uses two to four rails and is divided into sections with wood posts.



Concrete Block: Includes pre-cast panels, CMU, hollow or solid blocks. Both split faced and smooth.



Chicken Wire: Unframed fence of thin, flexible metal wire with varied pattern including hexagonal or rectangular shapes. Known as chicken wire, hog wire, or welded wire. May include repeating wood or metal posts.



Solid Wood Board or Stockade: Wood fence with vertical or horizontal boards and no spacing. Includes good neighbor fence and stockade fence. May be topped with square lattice or other wood design. May have a scalloped or straight top. Not allowed when obstructing view of historic structure.



Vinyl/ Plywood / Hardboard or Asbestos Panel: Plastic, vinyl, fiber cement or asbestos panels. Includes solid fences/walls or those designed to look like wood picket fences.



ACCEPTABLE FENCE AND WALL TYPES IN ALLEYS, REAR AND INTERIOR SIDE YARDS	
DESCRIPTION	EXAMPLE

All fence and wall types that are acceptable in front yards and side yards listed on pages 2-4 are acceptable in alleys, rear, and interior side yards.

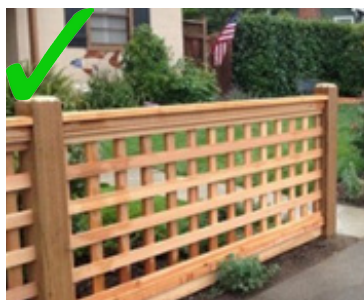
Horizontal Board: Wood fence with at least five horizontal boards. Boards may be spaced or have no spacing. May be topped with square lattice or other wood design.



Solid Wood Board or Stockade: Wood fence with vertical or horizontal boards and no spacing. Includes good neighbor fence and stockade fence. May be topped with square lattice or other wood design. May have a scalloped or straight top.



Wood Lattice: Square vertical/horizontal pattern of wood panels with spacing.



Gabion Wall: Consists of rocks or stones enclosed in a metal wire basket



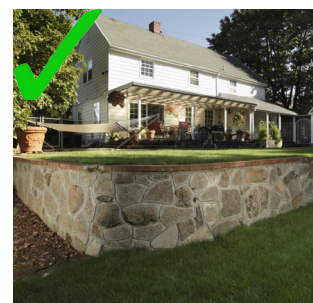
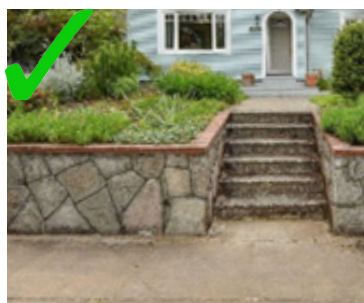
Goat Fence: Welded wire fence with frame of wood around each panel. Known as wire trellis fence, goat fence or livestock fencing.



Non-basalt stone: May include sandstone, limestone, lavarock, or other rock that would not have been quarried within the Pacific Northwest and used in the historic era



Recycled Concrete: Irregularly sized concrete pieces or chunks stacked like stones.



NOT ACCEPTABLE FENCE AND WALL TYPES IN INTERIOR AND SIDE YARDS

All that are not acceptable in front yard, unless explicitly listed as acceptable in interior side yards, alleyways, and rear yards.

Further information about the HRB and HRB Policies can be found at:
www.orcity.org/planning/hrb-policies

If you have any questions about the City's Preservation Program or if your property is locally designated, please contact:
Kelly Reid, Preservation Planner
503-722-3789
kreid@orcify.org

City of Oregon City
Planning Division
698 Warner Parrott Rd
Oregon City, OR 97045
503.722.3789
www.orcity.org/planning



The activity that is the subject of this guide has been financed in part with Federal funds from the National Park Service, U.S. Department of the Interior. However, the contents and opinions do not necessarily reflect the views or policies of the Department of the Interior, nor does the mention of trade names or commercial products constitute endorsement or recommendation by the Department of the Interior.

City Council Item Report

MEETING DATE

October 28, 2024

AGENDA ITEM # 4.e

An ordinance amending Article VII of Chapter 8 of the Nichols Hills City Code regarding construction and demolition site screening; repealing all conflicting ordinances or parts of ordinances; providing for severability, and declaring an emergency.

ATTACHMENTS

1. NH- Construction Site Screening Ordinance 10.23.24-2.1

Published in _____ on _____, 2024

ORDINANCE NO. _____

AN ORDINANCE AMENDING ARTICLE VII OF CHAPTER 8 OF THE NICHOLS HILLS CITY CODE REGARDING CONSTRUCTION AND DEMOLITION SITE SCREENING; REPEALING ALL CONFLICTING ORDINANCES OR PARTS OF ORDINANCES; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

EMERGENCY ORDINANCE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NICHOLS HILLS, OKLAHOMA:

Section 1. Section 8-480 of the Nichols Hills City Code is hereby added to the Code, with new language underlined, to wit:

Sec. 8-480. Construction and demolition site screening.

Construction sites and demolition sites in the E-1 Estate District, the E-2 Urban Estate District, the R-1-75 Single-Family Residential District, the R-1-60 Single-Family Residential District, the R-2 Two-Family Residential District, and the R-3 Multiple-Family Residential District must be screened as follows:

- (1) Projects for which screening is required. Screening is required for: (1) construction of a Main Building; (2) construction of a Secondary Building (where allowed); (3) construction of an Addition where any part of the construction will be visible from the Street or a public way (except a Minor Addition as defined in Section 50-673); (4) a façade alteration that requires a Certificate of Approval from the Building Commission as set out in Section 50-673; and (5) demolition of a Building.
- (2) Scope of screening required. When screening is required, the entirety of the construction or demolition site that will be visible from a Street or public way must be screened from public view. All trash receptacles, portable toilet facilities, and staging or laying down areas for equipment and materials must be within the screened area.
- (3) Composition of the screening. The screening must be composed of a metal fence panel at least six feet in height, completely overlaid on the exterior with an opaque vinyl screen in a neutral color or such other equivalent fencing and screening material as approved in advance by the Code Official. The fence panels must be secured together and installed in such a way that they will remain upright and not become airborne, such as with posts driven into the ground or with portable bases and sandbags placed at the bottoms of the bases. A separate Fence Permit is not required for the fence and screening.

- (4) Prohibitions as to the screening. Graphics and murals on the screening are prohibited. Chain link fencing, barbed wire, razor wire, and electrically-charged fences are prohibited.
- (5) Term for screening. Screening must be in place before any construction or demolition activity may begin, to include all dirt work and location of building materials or equipment at the site. Screening must remain in place during the term for which the applicable Building Permit or Demolition Permit is in effect and for so long thereafter as the site is affected by the construction or demolition activity.
- (6) Placement of screening. The screening may not be placed within any part of the right-of-way unless otherwise approved in advance by the Code Official. The screening may not be placed in a position that is dangerous or detrimental to the health or safety of any person or that obstructs visibility at intersections and driveway entrances.
- (7) Maintenance of screening. The screening must be maintained intact, in good and sound condition.
- (8) Removal of screening. The screening must be removed promptly upon completion of the applicable project.

Sec. 8-480 ~~1~~– 8-497. Reserved.

Section 2. All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 3. The provisions of this ordinance are severable and if any part or provision hereof shall be adjudged invalid by any court of competent jurisdiction, such adjudication shall not affect or impair any of the remaining parts or provisions hereof.

Section 4. EMERGENCY SECTION. WHEREAS, in the judgment of the Council it is necessary for the preservation of the peace, health, welfare and safety of the City of Nichols Hills, Oklahoma, and of the inhabitants thereof that the provisions of this ordinance be put into full force and effect immediately, and therefore an emergency is hereby declared to exist by reason whereof this ordinance shall take effect and be in full force from and after its passage as provided by law.

PASSED by the Council of the City of Nichols Hills, Oklahoma, on the ____ day of _____, 2024.

APPROVED by the Mayor of the City of Nichols Hills, Oklahoma, on the ____ day of _____, 2024.

ATTEST:

Mayor

City Clerk

Reviewed as to Form and Legality:

City Attorney