

1. Agenda

Documents:

[2023-02-07 PLANNING COMMISSION - PUBLIC AGENDA-1781.PDF](#)

2. Meeting Materials

Documents:

[2023-02-07 PLANNING COMMISSION - FULL AGENDA-1781.PDF](#)

AGENDA

Regular Meeting of the
Nichols Hills Planning Commission
Tuesday, February 7, 2023 at 5:30 PM
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 Planning Commission only on items that appear on this Agenda. The Planning Commission 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 Planning Commission.

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 Planning Commission on any matter that is not otherwise set for consideration on this Agenda.
4. Minutes
 - a. January 3, 2023 Minutes
5. Public Hearings

Consideration of adoption, approval, acceptance, rejection, amendment, and/or postponement of the following:

- a. PUBLIC HEARING: The issuance of a special permit to Crown Castle USA, Inc., represented by Donna Davis, for the purpose of replacing and/or adding new antennas and other equipment on existing monopole tower located in the 6706 North Pennsylvania Avenue, Nichols Hills, Oklahoma.

- b. PUBLIC HEARING: An application to rezone property generally located at 6600 NW Grand Boulevard in Nichols Hills, Oklahoma from the E-2 "Urban Estate" Residential Zoning District to the R-1-75 Single Family Residential Zoning District.
- c. PUBLIC HEARING: An Ordinance regarding maximum building height and amending Chapter 50 of the Nichols Hills City Code regarding the No-Build Vertical Envelopes for the E-1 Estate District, the E-2 Urban Estate District, the R-1-75 Single-Family Residential District, and the R-1-60 Single-Family Residential District; repealing all conflicting ordinances or parts of ordinances; providing for severability; and declaring an emergency.
- d. PUBLIC HEARING: An Ordinance amending Chapter 50 of the Nichols Hills City Code regarding Secondary Buildings, Accessory Buildings, Accessory Structures, and Accessory Uses; repealing all conflicting ordinances or parts of ordinances; providing for severability; and declaring an emergency.
- e. PUBLIC HEARING: An Ordinance amending Chapter 50 of the Nichols Hills City Code regarding outdoor lighting; repealing all conflicting ordinances or parts of ordinances; providing for severability; and declaring an emergency.

6. Adjournment

I certify that the forgoing was filed in the Office of the City Clerk at 2:42 PM on the 3rd day of February, 2023 and posted in prominent view on the window at City Hall, 6407 Avondale Drive, at 3:00 PM on the 3rd day of February, 2023; posted to the City of Nichols Hills website at <http://www.nicholshills.net> at 5:00 PM on the 3rd of February, 2023; and transmitted by email at 5:00 PM on the 3rd day of February, 2023 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

AGENDA

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Nichols Hills Planning Commission
Tuesday, February 7, 2023 at 5:30 PM
City Hall, 6407 Avondale Drive
Nichols Hills, OK 73116

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City Clerk
City of Nichols Hills, Oklahoma

MINUTES

Regular Meeting of the
Nichols Hills Planning Commission
Tuesday, January 3, 2023 at 5:30 PM
City Hall, 6407 Avondale Drive
Nichols Hills, OK 73116

**Original agenda filed in the Office of the City Clerk at 12:37 PM
on the 30th day of December, 2022.**

1. Call to Order
2. Roll Call

Attendee Name	Title	Status	Arrived
Ron Byrne		Present	5:32 PM
Mike Biddinger		Absent	
Doug Franklin		Present	
Tim Cheek		Present	
Barbara Gilbert		Present	
John McCaleb	Chairman	Present	

3. Citizens Desiring to be Heard

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

No one expressed a desire to be heard.

4. Minutes
 - a. December 6, 2022 Minutes

MOTION: Cheek moved to approve the December 6, 2022 minutes subject to amending item 5d to read “Mr. Curtis Wilson spoke to the Planning Commission of his concerns of the landscape point increase and the need of an explanation of a landscape designer.” Gilbert seconded the motion.

Attachment: January 3 2023 Minutes (6302 : January 3, 2023 Minutes)

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Tim Cheek
SECONDER:	Barbara Gilbert
AYES:	Byrne, Franklin, Cheek, Gilbert, McCaleb
ABSENT:	Biddinger

5. Public Hearings

Consideration of adoption, approval, acceptance, rejection, amendment, and/or postponement of the following:

- a. PUBLIC HEARING: The issuance of a special permit to Crown Castle USA, Inc., represented by Donna Davis, for the purpose of replacing and/or adding new antennas and other equipment on existing monopole tower located in the 6706 North Pennsylvania Avenue, Nichols Hills, Oklahoma.

MOTION: Cheek moved to postpone item 5a to a date certain of February 7, 2023, the next scheduled meeting. Franklin seconded the motion.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Tim Cheek
SECONDER:	Doug Franklin
AYES:	Byrne, Franklin, Cheek, Gilbert, McCaleb
ABSENT:	Biddinger

- b. PUBLIC HEARING: An Ordinance deleting Section 50-133 of the Nichols Hills City Code and replacing it with a new division of the code regarding landscaping; repealing all conflicting ordinances or parts of ordinances; providing for severability; and declaring an emergency

Mrs. Carla Sharpe, attorney for the City, presented the proposed ordinance to the Planning Commission.

Following discussion among Planning Commission members and staff, Chairman McCaleb opened the Public Hearing.

Seeing no others expressing a desire to be heard, the public

hearing was closed.

MOTION: Gilbert moved to recommend the City Council approve agenda item 5b as presented. Cheek seconded the motion.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Barbara Gilbert
SECONDER:	Tim Cheek
AYES:	Byrne, Franklin, Cheek, Gilbert, McCaleb
ABSENT:	Biddinger

- c. PUBLIC HEARING: An Ordinance amending Chapter 50 of the Nichols Hills City Code regarding the No-Build Vertical Envelopes for the E-1 Estate District, the E-2 Urban Estate District, the R-1-75 Single-Family Residential District, and the R-1-60 Single-Family Residential District; repealing all conflicting ordinances or parts of ordinances; providing for severability; and declaring an emergency.
- d. PUBLIC HEARING: An Ordinance amending Chapter 50 of the Nichols Hills City Code regarding Accessory Buildings, Accessory Structures, and Accessory Uses; repealing all conflicting ordinances or parts of ordinances; providing for severability; and declaring an emergency.
- e. PUBLIC HEARING: An Ordinance amending Chapter 50 of the Nichols Hills City Code regarding outdoor lighting; repealing all conflicting ordinances or parts of ordinances; providing for severability; and declaring an emergency.
- f. PUBLIC HEARING: An Ordinance amending Chapter 50 of the Nichols Hills City Code regarding administration and enforcement of the Zoning Code; repealing all conflicting ordinances or parts of ordinances; providing for severability; and declaring an emergency.

MOTION: Cheek moved to continue items 5c - 5f to a date certain of February 7, 2023, the next scheduled meeting. Franklin seconded the motion.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Tim Cheek
SECONDER:	Doug Franklin
AYES:	Byrne, Franklin, Cheek, Gilbert, McCaleb
ABSENT:	Biddinger

6. Adjournment

MOTION: There being no further business, Franklin moved to adjourn the meeting. Cheek seconded the motion.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Doug Franklin
SECONDER:	Tim Cheek
AYES:	Byrne, Franklin, Cheek, Gilbert, McCaleb
ABSENT:	Biddinger

Chairman
Planning Commission
City of Nichols Hills, Oklahoma

City Manager
Planning Commission
City of Nichols Hills, Oklahoma

City Clerk
City of Nichols Hills, Oklahoma



CITY OF NICHOLS HILLS, OKLAHOMA
Application for Special Permit
Communication Device

Staff use only

Case # _____

Date filed _____

Fee receipt # _____

Twelve original sets and one electronic version of this completed application (including 12 original sets of the required attachments listed below) and the required fee should be submitted to the Nichols Hills City Clerk, 6407 Avondale Drive, Nichols Hills, Oklahoma 73116.

Applicant is encouraged to consult Sec. 50-127, *Communications Tower and Antenna Regulations*, of the Nichols Hills City Code when completing this Application. Note that Sec. 50-127 does not require a special permit for all communication devices.

This Application requires recommendation for approval by the Nichols Hills Planning Commission and approval of the Nichols Hills City Council.

Attach a separate sheet to provide complete answers if necessary.

Applicant's name: Donna Davis - Agent of Crown Castle USA, Inc. Cell Tower Owner

Primary contact: Donna Davis - Site Acquisition Specialist

Mailing address: 370 Mallory Station Road, Suite 505, Franklin TN 37067

Telephone number(s): 931-247-7954 Cell / 615-771-1553 Office

Email address(es): donna.davis@crowncastle.com

This is an application to: [check all that apply]

- ☐ Construct a communication tower
- ☐ Locate an at-grade dish antenna(s) with a diameter exceeding two meters
- ☐ Locate an antenna or antenna array within a structure as an architectural element
- ☐ Install an additional antenna(s) or antenna array on an existing communications tower, sign structure, or municipal water tower
- ☒ Replace an antenna(s) or antenna array on an existing communications tower, sign structure, or municipal water tower
- ☐ Use the City's utility pole(s) (traffic signal poles, street light poles, and flag poles) associated with a distributed antenna system

Address or descriptive location of proposed device(s) ¹: 6706 North Pennsylvania Ave., Nichols Hills, OK 73159

The following must be attached to this Application:

1. **Proof of authority.** Proof of applicant's authority to make this Application as to the property for which the special permit is desired by attaching a copy of the applicable deed evidencing applicant's ownership, a copy of the applicable lease evidencing applicant's leasehold interest, or an affidavit regarding ownership (a form for which is attached to this Application).
2. **Survey and site map.** Certified survey and detailed site map.

¹ If metes and bounds description, please attach.

3. **Project plans.** Detailed and certified project plans.
4. **Structural engineer review.** If a tower or architectural element is included, certified review by a licensed structural engineer.
5. **Scope of proposed work.** A narrative of the need for the proposed device(s) and proposed scope of work in non-technical language in sufficient detail for analysis by the City's Planning Commission and City Council.
6. **List of Owners of Abutting Property.** A report developed from the current records of the Oklahoma County Assessor and/or the Oklahoma County Clerk within the last 30 days, stating the names, addresses, and contact information for the owners of property abutting the proposed site. If the report is not certified by a licensed and bonded abstractor, Applicant will be responsible for the accuracy and completeness of the information in the report.

This Application will be considered officially submitted and filed only after it is examined by the Director of Public Works and the City Clerk and found to have met the applicable requirements of Sec. 50-127 and those set out in this Application and after the fee of \$750 as required by Sec. 50-327 of the Nichols Hills City Code has been paid. At that time, the City Clerk will set the Application for hearing before the Nichols Hills Planning Commission and the Nichols Hills City Council. Applicant will be advised of the date and time for those hearings. It is highly recommended that applicant attend (or have a representative attend) the hearings and be prepared to answer questions.

The above statements in this Application and all attachments to it are true and correct.

Submitted and agreed to this 10th day of October, 2022.

Signature: Donna Davis

Print applicant's full legal name: Donna Davis

Print signatory party's title if applicant is a legal entity: Site Acquisition Specialist

Form of affidavit regarding ownershipAffidavit

STATE OF _____

COUNTY OF _____

[Full legal name], being first duly sworn, stated:

1. My name is *[full legal name]*. My address is *[full address]*. I am over the age of 18. I am a resident of the State of *[state]*. I have personal knowledge of the matters stated in this Affidavit.
2. I am the applicant for a special permit for a communication device pursuant to the Nichols Hills City Code.
3. I am the current and legal owner of the property in the City of Nichols Hills with the address of *[insert address]* and more particularly described as:

[Insert legal description]

4. This address and legal description accurately describe the property for which the special permit for a communication device is requested.

I declare to the best of my knowledge and belief that the information in this Affidavit is true, correct, and complete.

Executed this _____ day of _____, 202__.

[Full legal name]

Notary Acknowledgment

Subscribed and sworn to before me this _____ day of _____, 202__.

 Notary Public

My Commission Expires: _____

Comm. No. _____

This conveyance was approved on the _____ day of _____, 202__, by the City Council of the City of Nichols Hills, Oklahoma, pursuant to the Nichols Hills Subdivision Regulations as adopted by the Nichols Hills City Code.

By: _____

Printed name: _____

Title: _____



370 Mallory Station Road dSuite 505
Franklin, TN 37067

Phone: (615) 771-1553
www.crowncastle.com

5.a.a

October 10, 2022

OK-CITY OF NICHOLS HILLS
Planning & Zoning
6407 AVONDALE DRIVE
NICHOLS HILLS, OK 73116

Via Mail

*****NOTICE OF ELIGIBLE FACILITIES REQUEST*****

RE: Request for Minor Modification to Existing Wireless Facility – Section 6409

Site Address: 6706 North Pennsylvania Ave., Nichols Hills, OK 73159

Crown Site Number: 822901 / Crown Site Name: Camden

Customer Site Number: OK01296F / Application Number: 624581

Attention Planning & Zoning:

On behalf of T-Mobile Central LLC (“T-Mobile” or “Applicant”), Crown Castle USA Inc. (“Crown Castle”) is pleased to submit this request to modify the existing wireless facility noted above through the collocation, replacement and/or removal of the Applicant’s equipment as an eligible facilities request for a minor modification under Section 6409¹ and the rules of the Federal Communications Commission (“FCC”).²

The proposed scope of work for this project includes:

Add or replace antennas, ancillary equipment and ground equipment as per plans for an existing carrier on an existing wireless communication facility. No changes to the height of the tower.

At the end of this letter is a checklist of the applicable substantial change criteria under Section 6409. Additionally, please find enclosed the following information in support of this request:

- (1) City of Nichols Hills Application for Special Permit Communication Device**
- (2) \$750.00 Check for the plans review fees Check #2814749**
- (3) Lease Agreement between Crown Castle and City of Nichols Hills**
- (4) Construction Drawings;**
- (5) Structural Analysis; and**
- (6) Section 6409 Substantial Change Checklist.**
- (7) List of Abutting Property Owners**

¹ Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, § 6409 (2012) (codified at 47 U.S.C. § 1455).

² *Acceleration of Broadband Deployment by Improving Wireless Facility Siting Policies*, 29 FCC Rcd. 12865 (2014) (codified at 47 CFR § 1.6100); and *Implementation of State & Local Governments’ Obligation to Approve Certain Wireless Facility Modification Requests Under Section 6409(a) of the Spectrum Act of 2012*, WT Docket No. 19-250 (June 10, 2020).

³ See 47 CFR § 1.6100 (c)(3). ⁴ See 2020 Upgrade Order at paragraph 16.

The Foundation for a Wireless World

CrownCastle.com

Attachment: Crown Castle Packet (6303 : Crown Castle - Special Permit Application)



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As these documents indicate, (i) the modification involves the collocation, removal or replacement of transmission equipment; and (ii) such modification will not substantially change the physical dimensions of such tower or base station. As such, it is an "eligible facilities request" as defined in the FCC's rules to which the 60-day deadline for approval applies. Accordingly, Applicant requests all authorization necessary for this proposed minor modification under Section 6409.

Section 6409 mandates that state and local governments must approve any eligible facilities request for the modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station. Under Section 6409, to toll the review period, if the reviewing authority determines that the application is incomplete, it must provide written notice to the applicant within 30 days, which clearly and specifically delineates all missing documents or information reasonably related to whether the request meets the federal requirements.³ Additionally, if a state or local government, fails to issue any approvals required for this request within 60 days, these approvals are deemed granted. The FCC has clarified that the 30-day and 60-day deadlines begins when an applicant: (1) takes the first step required under state or local law; and (2) submits information sufficient to inform the jurisdiction that this modification qualifies under the federal law⁴. Please note that with the submission of this letter and enclosed items, the thirty and sixty-day review periods have started. Based on this filing, the deadline for written notice of incomplete application is November 9, 2022, and the deadline for issuance of approval is December 9, 2022.

Our goal is to work with you to obtain approvals earlier than the deadline. We will respond promptly to any request for related information you may have in connection with this request. Please let us know how we can work with you to expedite the approval process. We look forward to working with you on this important project, which will improve wireless telecommunication services in your community using collocation on existing infrastructure. If you have any questions, please do not hesitate to contact me.

Regards,

Donna Davis

Donna Davis

Site Acquisition Specialist

Crown Castle, Agent for Applicant

(615) 771-1553

Donna.Davis@crowncastle.com

The Foundation for a Wireless World

CrownCastle.com

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Section 6409 Substantial Change Checklist
Towers Outside of the Public Right of Way

The Federal Communications Commission has determined that a modification substantially changes the physical dimension of a wireless tower or base station under 47 U.S.C. § 1455(a) if it meets one of six enumerated criteria under 47 C.F.R. § 1.6100.

Criteria for Towers Outside the Public Rights of Way

YES/NO NO	Does the modification increase the height of the tower by more than the greater of: (a) 10% (b) or, the height of an additional antenna array plus separation of up to 20 feet from the top of the nearest existing antenna?
YES/NO NO	Does the modification add an appurtenance to the body of the tower that would protrude from the edge of the tower more than 20 feet or more than the width of the tower structure at the level of the appurtenance, whichever is greater?
YES/NO NO	Does the modification involve the installation of more than the standard number of new equipment cabinets for the technology involved or add more than four new equipment cabinets?
YES/NO NO	Does the modification entail any excavation or deployment outside the current site by more than 30 feet in any direction, not including any access or utility easements?
YES/NO NO	Does the modification defeat the concealment elements of the eligible support structure?
YES/NO NO	Does the modification violate conditions associated with the siting approval with the prior approval the tower or base station other than as specified in 47 C.F.R. § 1.6100(c)(7)(i) – (iv)?

If all questions in the above section are answered “NO,” then the modification does not constitute a substantial change to the existing tower under 47 C.F.R. § 1.6100.



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5.a.a

PLEASE SEE BELOW THE LIST OF ABUTTING PROPERTY OWNERS

Owner: OKLA CITY GOLF & COUNTRY CLUB

Account Number: R169711495
Physical Address: 7000 NW GRAND BLVD NICHOLS HILLS
Owner Name1: OKLA CITY GOLF & COUNTRY CLUB
Owner Name2:
Owner Name3:
Mailing Address1: 7000 NW GRAND BLVD
City: NICHOLS HILLS
State: OK
ZipCode: 73116-4199
Tax District: 500
Tax District Name: Oklahoma City #89

Owner: SROUJI NABIL E & PENELOPE TRS

Account Number: R169862000
Physical Address: 1820 DRURY LN NICHOLS HILLS
Owner Name1: SROUJI NABIL E & PENELOPE TRS
Owner Name2: SROUJI NABIL E REV TRUST
Owner Name3:
Mailing Address1: 1820 DRURY LN
City: NICHOLS HILLS
State: OK
ZipCode: 73116-5312



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Tax District: 500

Tax District Name: Oklahoma City #89

Owner: RICHARDSON RONALD L 2008 REV TRUST

Account Number: R169862100

Physical Address: 1829 DEVONSHIRE ST NICHOLS HILLS

Owner Name1: RICHARDSON RONALD L 2008 REV TRUST

Owner Name2:

Owner Name3:

Mailing Address1: 1829 DEVONSHIRE ST

City: NICHOLS HILLS

State: OK

ZipCode: 73116

Tax District: 500

Tax District Name: Oklahoma City #89

Owner: LAMBERT WILLIAM D IV

Account Number: R169863300

Physical Address: 1824 DEVONSHIRE ST NICHOLS HILLS

Owner Name1: LAMBERT WILLIAM D IV

Owner Name2: LAMBERT ALLYSON BANDY

Owner Name3:

Mailing Address1: 1824 DEVONSHIRE ST

City: NICHOLS HILLS

State: OK

ZipCode: 73116

The Foundation for a Wireless World

CrownCastle.com

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Tax District: 500

Tax District Name: Oklahoma City #89

Owner: STOCKYARD PROPERTY LLC

Account Number: R169577259

Physical Address: 6621 N HILLCREST AVE NICHOLS HILLS

Owner Name1: STOCKYARD PROPERTY LLC

Owner Name2:

Owner Name3:

Mailing Address1: 11201 SE 44TH ST

City: OKLAHOMA CITY

State: OK

ZipCode: 73150

Tax District: 500

Tax District Name: Oklahoma City #89

Attachment: Crown Castle Packet (6303 : Crown Castle - Special Permit Application)

2021052101088742 B: 14748 P: 84
 05/21/2021 10:04:16 AM Pgs: 4
 Fee: \$24.00
 David B. Hooten, County Clerk
 Oklahoma County - State of Oklahoma



WHEN RECORDED RETURN TO:

T-Mobile USA Tower LLC
 c/o Post Closing – Recording
 1220 Augusta Drive
 Houston, TX 77057

Prepared by:
 Weiss Brown, PLLC
 6263 N. Scottsdale Rd., Suite 340
 Scottsdale, AZ 85250

Space above this line for Recorder's Use

A.P.N. City property - not assigned

Prior recorded document(s) in Oklahoma County, Oklahoma:
 Original Lease Unrecorded

**MEMORANDUM OF FIRST AMENDMENT TO
 AGREEMENT**

This Memorandum of First Amendment to Agreement is made effective this 9th day of March, 2021 by and between CITY OF NICHOLS HILLS, OKLAHOMA, a municipal corporation (hereinafter referred to as "Lessor") and T-MOBILE USA TOWER LLC, a Delaware limited liability company, by and through its Attorney In Fact, CCTMO LLC, a Delaware limited liability company (hereinafter referred to as "Lessee").

1. Lessor and Lessee, as successor in interest to Western PCS I Corporation, a Delaware corporation entered into an Agreement dated January 14, 1997 (the "Agreement") whereby Original Lessee leased certain real property, together with access and utility easements, located in Oklahoma County, Oklahoma from Lessor (the "Leased Premises"), all located within certain real property owned by Lessor ("Lessor's Property"). The Leased Premises is more particularly described on Exhibit A attached hereto.

2. The Agreement commenced on January 15, 1997 and will expire on January 14, 2022.

3. Lessor and Lessee have entered into a First Amendment to Agreement (the "First Amendment"), of which this is a Memorandum, wherein the term of the Agreement was extended to January 14, 2024.

4. The terms, covenants and provisions of the First Amendment shall extend to and be binding upon the respective executors, administrators, heirs, successors and assigns of Lessor and Lessee.

5. This Memorandum does not contain the social security number of any person.

6. A copy of the First Amendment is on file with Lessor and Lessee.

IN WITNESS WHEREOF, hereunto and to duplicates hereof, Lessor and Lessee have caused this Memorandum to be duly executed on the day and year first written above.

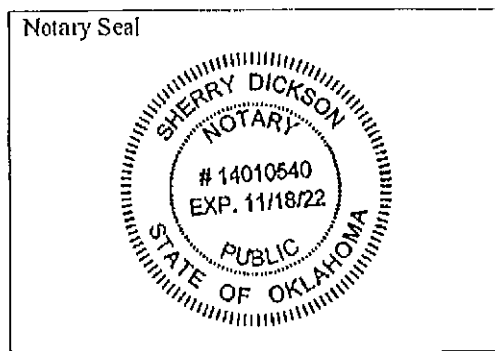
LESSOR:
CITY OF NICHOLS HILLS, OKLAHOMA,
a municipal corporation

By: Sody H. Clements
Print Name: Sody Clements
Title: Mayer

STATE OF Oklahoma)
)ss.
COUNTY OF Oklahoma)

On this 9th day of March 2021, before me, the subscriber, a Notary Public in and for said State and County, personally appeared Sody Clements, the Mayer of CITY OF NICHOLS HILLS, OKLAHOMA, known or identified to me to be the person whose name is subscribed to the foregoing Memorandum of First Amendment to Agreement, and in due form of law acknowledged that he/she is authorized on behalf of said company to execute all documents pertaining hereto and acknowledged to me that he/she executed the same as his/her voluntary act and deed on behalf of said company.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my seal in said State and County on the day and year last above written.



Sherry Dickson
(Signature of Notary)

My Commission Expires: 11-18-22

LESSEE:

T-MOBILE USA TOWER LLC, a Delaware
limited liability company

By: CCTMO LLC, a Delaware limited
liability company
Its: Attorney In Fact

By: _____

Print Name: _____

Title: _____

Helen V. Smith
Director

STATE OF _____

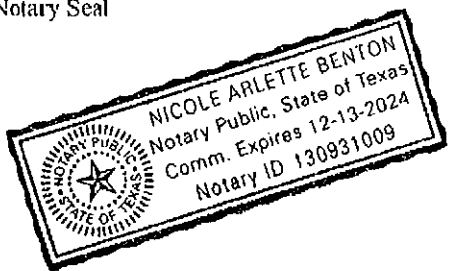
COUNTY OF _____

)
) ss.
)

On this 31 day of March 2021, before me, the subscriber, a Notary Public in
and for said State and County, personally appeared Helen V. Smith, the
Director of CCTMO LLC, known or identified to me to be the
person whose name is subscribed to the foregoing Memorandum of First Amendment to
Agreement, and in due form of law acknowledged that he/she is authorized on behalf of said
company to execute all documents pertaining hereto and acknowledged to me that he/she
executed the same as his/her voluntary act and deed on behalf of said company.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my seal in said
State and County on the day and year last above written.

Notary Seal



Nicole Arlette Benton

(Signature of Notary)

My Commission Expires: _____

EXHIBIT A
(Legal Description of Leased Premises)

LEASED PREMISES

A tract of land lying in the Northeast Quarter of Section 6, Township 12 North, Range West of the Indian Meridian, Oklahoma County, Oklahoma, and being described as follows:

COMMENCING at the Southeast corner of Lot 2, Block 88 NICHOLS HILLS SUBDIVISION as recorded in Oklahoma County, Oklahoma; THENCE North 30°46'23" West a distance of 224.68 feet to the POINT OF BEGINNING; THENCE North 11°24'50" East a distance of 20.00 feet; THENCE South 78°35'10" East a distance of 20.00 feet; THENCE South 11°24'50" West a distance of 20.00 feet; THENCE North 78°35'10" West a distance of 20.00 feet to the POINT OF BEGINNING.

Said tract contains 400 square feet or 0.0092 acres, more or less.

ACCESS AND UTILITY EASEMENT

A tract of land lying in the Northeast Quarter of Section 6, Township 12 North, Range West of the Indian Meridian, Oklahoma County, Oklahoma, and being described as follows:

A 20.00 foot easement for Ingress and Egress lying 10.00 feet each side of the following described center line. COMMENCING at the Southeast corner of Lot 2, Block 88 Oklahoma County, Oklahoma, THENCE North 07°52'32" West a distance of 353.05 feet to the POINT OF BEGINNING; THENCE North 90°00'00" West a distance of 69.31 feet; THENCE South 08°45'51" West a distance of 144.44 feet; THENCE South 81°14'09" East a distance of 27.02 feet to the POINT OF TERMINATION.

Date: August 08, 2022



Crown Castle
2000 Corporate Drive
Canonsburg, PA 15317
(724) 416-2000

Subject: Structural Analysis Report

Carrier Designation: T-Mobile Co-Locate
Site Number: OK01296F

Crown Castle Designation: BU Number: 822901
Site Name: Camden
JDE Job Number: 724324
Work Order Number: 2136495
Order Number: 624581 Rev. 5

Engineering Firm Designation: Crown Castle Project Number: 2136495

Site Data: 6706 North Pennsylvania Ave., Nichols Hills, Oklahoma County, OK
Latitude 35° 32' 42.875", Longitude -97° 33' 0.789"
70 Foot - Monopole Tower

Crown Castle is pleased to submit this "Structural Analysis Report" to determine the structural integrity of the above-mentioned tower.

The purpose of the analysis is to determine acceptability of the tower stress level. Based on our analysis we have determined the tower stress level for the structure and foundation, under the following load case, to be:

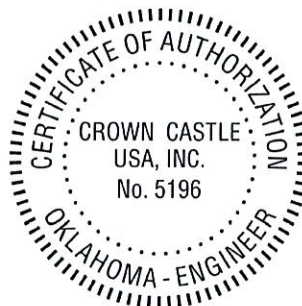
LC7: Proposed Equipment Configuration

Sufficient Capacity

This analysis utilizes an ultimate 3-second gust wind speed of 115 mph as required by the 2015 International Building Code. Applicable Standard references and design criteria are listed in Section 2 - "Analysis Criteria".

Structural analysis prepared by: Blake Jacobsen, EIT / JKK

Respectfully submitted by:



Terry P Styran
2022.08.08
13:47:59 -04'00'

Terry P. Styran, P.E., S.E.
Senior Project Engineer

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1) INTRODUCTION

This tower is a 70 ft Monopole tower designed by Valmont.

2) ANALYSIS CRITERIA

TIA-222 Revision: TIA-222-H
Risk Category: II
Wind Speed: 115 mph
Exposure Category: C
Topographic Factor: 1
Ice Thickness: 1.5 in
Wind Speed with Ice: 40 mph
Service Wind Speed: 60 mph

Table 1 - Proposed Equipment Configuration

Mounting Level (ft)	Center Line Elevation (ft)	Number of Antennas	Antenna Manufacturer	Antenna Model	Number of Feed Lines	Feed Line Size (in)
67.0	67.0	3	commscope	FFHH-65C-R3 w/ Mount Pipe	2	1-1/2
		2	commscope	HCS 2.0 Part 1		
		3	nokia	AEHC w/ Mount Pipe		
		3	nokia	AHFIG_TMO		
		3	nokia	AHLOA		
		1	alt	2122S-5(3)		

Table 2 - Other Considered Equipment

Mounting Level (ft)	Center Line Elevation (ft)	Number of Antennas	Antenna Manufacturer	Antenna Model	Number of Feed Lines	Feed Line Size (in)
70.0	70.0	1	federal signal	MOD3012	-	-
57.0	57.0	1	Perfect Vision	PV-MPM-SFA	1	2
		3	commscope	NNH4-65C-R3B-V1 w/ Mount Pipe		
		1	raycap	RCMDC-6627-PF-48		
		3	samsung telecommunications	MT6407-77A w/ Mount Pipe		
		3	samsung telecommunications	RF4439D-25A		
		3	samsung telecommunications	RF4440D-13A		

3) ANALYSIS PROCEDURE

Table 3 - Documents Provided

Document	Reference	Source
4-GEOTECHNICAL REPORTS	3514687	CCISITES
4-TOWER FOUNDATION DRAWINGS/DESIGN/SPECS	3514686	CCISITES
4-TOWER MANUFACTURER DRAWINGS	3771030	CCISITES

3.1) Analysis Method

tnxTower (version 8.1.1.0), a commercially available analysis software package, was used to create a three-dimensional model of the tower and calculate member stresses for various loading cases. Selected output from the analysis is included in Appendix A. When applicable, Crown Castle has calculated and provided the effective area for panel antennas using approved methods following the intent of the TIA-222 standard.

3.2) Assumptions

- 1) Tower and structures were maintained in accordance with the TIA-222 Standard.
- 2) The configuration of antennas, transmission cables, mounts and other appurtenances are as specified in Tables 1 and 2 and the referenced drawings.

This analysis may be affected if any assumptions are not valid or have been made in error. Crown Castle should be notified to determine the effect on the structural integrity of the tower.

4) ANALYSIS RESULTS

Table 4 - Section Capacity (Summary)

Section No.	Elevation (ft)	Component Type	Size	Critical Element	P (K)	SF*P_allow (K)	% Capacity	Pass / Fail
L1	70 - 31.0833	Pole	TP21.9x14.9x0.25	1	-9.473	1035.695	34.3	Pass
L2	31.0833 - 0	Pole	TP27x20.696x0.313	2	-13.748	1649.529	43.2	Pass
							Summary	
						Pole (L2)	43.2	Pass
						Rating =	43.2	Pass

Table 5 - Tower Component Stresses vs. Capacity - LC7

Notes	Component	Elevation (ft)	% Capacity	Pass / Fail
1	Anchor Rods	0	62.7	Pass
1	Base Plate	0	35.8	Pass
1	Base Foundation (Structure)	0	29.8	Pass
1	Base Foundation (Soil Interaction)	0	8.8	Pass

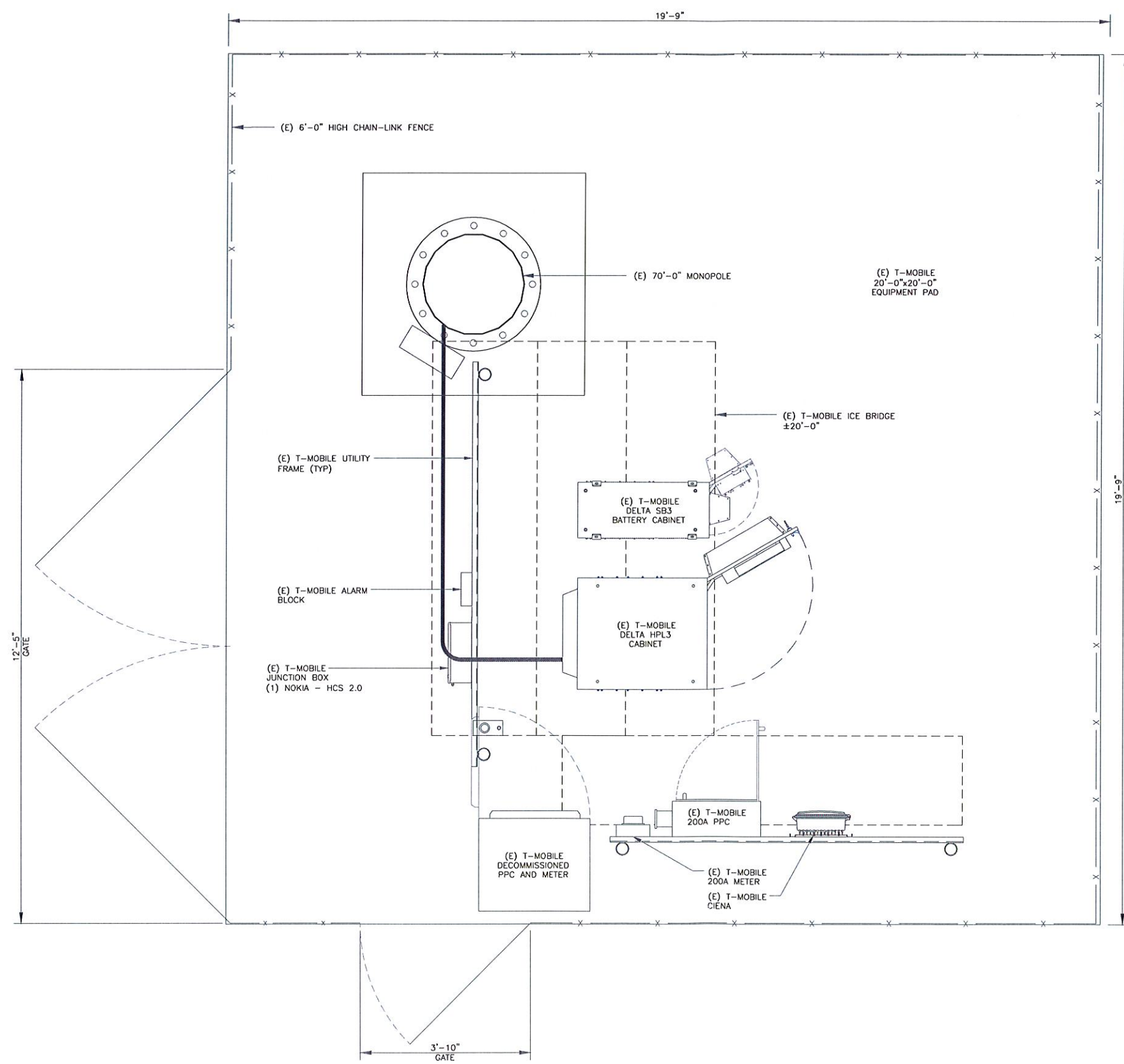
Structure Rating (max from all components) =	62.7%
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Notes:

- 1) See additional documentation in "Appendix C – Additional Calculations" for calculations supporting the % capacity consumed.

4.1) Recommendations

The tower and its foundation have sufficient capacity to carry the proposed load configuration. No modifications are required at this time.



1 SITE PLAN
SCALE: 3/4"=1'-0" (FULL SIZE)
3/8"=1'-0" (11x17)

T-Mobile
312 ELM STREET, 10TH FLOOR
CINCINNATI, OH 45202

CROWN CASTLE
1500 CORPORATE DRIVE
CANONSBURG, PA 15317

B+T GRP
1717 S. BOULDER
SUITE 300
TULSA, OK 74119
PH: (918) 587-4630
www.blgrp.com

T-MOBILE SITE NUMBER:
OK01296F

BU #: **822901**
CAMDEN

6706 NORTH
PENNSYLVANIA AVE.
NICHOLS HILLS, OK, 73159

EXISTING 70'-0"
MONOPOLE

ISSUED FOR:

REV	DATE	DRWN	DESCRIPTION	DES/QA
0	8/16/22	MEH	CONSTRUCTION	LR
1	8/18/22	YX	CONSTRUCTION	LR

B&T ENGINEERING, INC.
CA 3590 (PE)
Expires 6/30/24
IT IS A VIOLATION OF LAW FOR ANY PERSON, UNLESS THEY ARE ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER, TO ALTER THIS DOCUMENT.

SHEET NUMBER: **C-1.1** REVISION: **1**

Attachment: Crown Castle Packet (6303 : Crown Castle - Special Permit Application)

- NOTICE TO PROCEED—NO WORK SHALL COMMENCE PRIOR TO CROWN CASTLE USA INC. WRITTEN NOTICE TO PROCEED (NTP) AND THE ISSUANCE OF A PURCHASE ORDER. PRIOR TO ACCESSING/ENTERING THE SITE YOU MUST CONTACT THE CROWN CASTLE USA INC. NOC AT 800-788-7011 & THE CROWN CASTLE USA INC. CONSTRUCTION MANAGER.
2. "LOOK UP" — CROWN CASTLE USA INC. SAFETY CLIMB REQUIREMENT:
THE INTEGRITY OF THE SAFETY CLIMB AND ALL COMPONENTS OF THE CLIMBING FACILITY SHALL BE CONSIDERED DURING ALL STAGES OF DESIGN, INSTALLATION, AND INSPECTION. TOWER MODIFICATION, MOUNT REINFORCEMENTS, AND/OR EQUIPMENT INSTALLATIONS SHALL NOT COMPROMISE THE INTEGRITY OR FUNCTIONAL USE OF THE SAFETY CLIMB OR ANY COMPONENTS OF THE CLIMBING FACILITY ON THE STRUCTURE. THIS SHALL INCLUDE BUT NOT BE LIMITED TO: PINCHING OF THE WIRE ROPE, BENDING OF THE WIRE ROPE FROM ITS SUPPORTS, DIRECT CONTACT OR CLOSE PROXIMITY TO THE WIRE ROPE WHICH MAY CAUSE FRICTIONAL WEAR, IMPACT TO THE ANCHORAGE POINTS IN ANY WAY, OR TO IMPEDE/BLOCK ITS INTENDED USE, ANY COMPROMISED SAFETY CLIMB, INCLUDING EXISTING CONDITIONS MUST BE TAGGED OUT AND REPORTED TO YOUR CROWN CASTLE USA INC. POC OR CALL THE NOC TO GENERATE A SAFETY CLIMB MAINTENANCE AND CONTRACTOR NOTICE TICKET.
3. PRIOR TO THE START OF CONSTRUCTION, ALL REQUIRED JURISDICTIONAL PERMITS SHALL BE OBTAINED. THIS INCLUDES, BUT IS NOT LIMITED TO, BUILDING, ELECTRICAL, MECHANICAL, FIRE, FLOOD ZONE, ENVIRONMENTAL, AND ZONING. AFTER ONSITE ACTIVITIES AND CONSTRUCTION ARE COMPLETED, ALL REQUIRED PERMITS SHALL BE SATISFIED AND CLOSED OUT ACCORDING TO LOCAL JURISDICTIONAL REQUIREMENTS.
4. ALL CONSTRUCTION MEANS AND METHODS: INCLUDING BUT NOT LIMITED TO, ERECTION PLANS, RIGGING PLANS, CLIMBING PLANS, AND RESCUE PLANS SHALL BE THE RESPONSIBILITY OF THE GENERAL CONTRACTOR RESPONSIBLE FOR THE EXECUTION OF THE WORK CONTAINED HEREIN, AND SHALL MEET ANSI/ASSE A10.48 (LATEST EDITION); FEDERAL, STATE, AND LOCAL REGULATIONS; AND ANY APPLICABLE INDUSTRY CONSENSUS STANDARDS RELATED TO THE CONSTRUCTION ACTIVITIES BEING PERFORMED. ALL RIGGING PLANS SHALL ADHERE TO ANSI/ASSE A10.48 (LATEST EDITION) AND CROWN CASTLE USA INC. STANDARD CED—STD—10253, INCLUDING THE REQUIRED INVOLVEMENT OF A QUALIFIED ENGINEER FOR CLASS IV CONSTRUCTION, TO CERTIFY THE SUPPORTING STRUCTURE(S) IN ACCORDANCE WITH ANSI/TIA—322 (LATEST EDITION).
5. ALL SITE WORK TO COMPLY WITH QAS—STD—10068 "INSTALLATION STANDARDS FOR CONSTRUCTION ACTIVITIES ON CROWN CASTLE USA INC. TOWER SITE," CED—STD—10294 "STANDARD FOR INSTALLATION OF MOUNTS AND APPURTENANCES," AND LATEST VERSION OF ANSI/TIA—1019-A—2012 "STANDARD FOR INSTALLATION, ALTERATION, AND MAINTENANCE OF ANTENNA SUPPORTING STRUCTURES AND ANTENNAS."
6. IF THE SPECIFIED EQUIPMENT CAN NOT BE INSTALLED AS SHOWN ON THESE DRAWINGS, THE CONTRACTOR SHALL PROPOSE AN ALTERNATIVE INSTALLATION FOR APPROVAL BY CROWN CASTLE USA INC. PRIOR TO PROCEEDING WITH ANY SUCH CHANGE TO INSTALLATION.
7. ALL MATERIALS FURNISHED AND INSTALLED SHALL BE IN STRICT ACCORDANCE WITH ALL APPLICABLE CODES, REGULATIONS AND ORDINANCES. CONTRACTOR SHALL ISSUE ALL APPROPRIATE NOTICES AND COMPLY WITH ALL LAWS, ORDINANCES, RULES, REGULATIONS AND LAWFUL ORDERS OF ANY PUBLIC AUTHORITY REGARDING THE PERFORMANCE OF THE WORK. ALL WORK CARRIED OUT SHALL COMPLY WITH ALL APPLICABLE MUNICIPAL AND UTILITY COMPANY SPECIFICATIONS AND LOCAL JURISDICTIONAL CODES, ORDINANCES AND APPLICABLE REGULATIONS.
8. THE CONTRACTOR SHALL INSTALL ALL EQUIPMENT AND MATERIALS IN ACCORDANCE WITH MANUFACTURER'S RECOMMENDATIONS UNLESS SPECIFICALLY STATED OTHERWISE.
9. THE CONTRACTOR SHALL CONTACT UTILITY LOCATING SERVICES PRIOR TO THE START OF CONSTRUCTION.
10. ALL EXISTING ACTIVE SEWER, WATER, GAS, ELECTRIC AND OTHER UTILITIES WHERE ENCOUNTERED IN THE WORK, SHALL BE PROTECTED AT ALL TIMES AND WHERE REQUIRED FOR THE PROPER EXECUTION OF THE WORK, SHALL BE GRADED AS DIRECTED BY CONTRACTOR. EXTREME CAUTION SHOULD BE USED BY THE CONTRACTOR WHEN EXCAVATING OR DRILLING PIERS AROUND OR NEAR UTILITIES. CONTRACTOR SHALL PROVIDE SAFETY TRAINING FOR THE WORKING CREW. THIS WILL INCLUDE BUT NOT BE LIMITED TO A) FALL PROTECTION B) CONFINED SPACE C) ELECTRICAL SAFETY D) TRENCHING AND EXCAVATION E) CONSTRUCTION SAFETY PROCEDURES.
11. ALL SITE WORK SHALL BE AS INDICATED ON THE STAMPED CONSTRUCTION DRAWINGS AND PROJECT SPECIFICATIONS, LATEST APPROVED REVISION.
12. CONTRACTOR SHALL KEEP THE SITE FREE FROM ACCUMULATING WASTE MATERIAL, DEBRIS, AND TRASH AT THE COMPLETION OF THE WORK. IF NECESSARY, RUBBISH, STUMPS, DEBRIS, STICKS, STONES AND OTHER REFUSE SHALL BE REMOVED FROM THE SITE AND DISPOSED OF LEGALLY.
13. ALL EXISTING INACTIVE SEWER, WATER, GAS, ELECTRIC AND OTHER UTILITIES, WHICH INTERFERE WITH THE EXECUTION OF THE WORK, SHALL BE REMOVED AND/OR CAPPED, PLUGGED OR OTHERWISE DISCONTINUED AT POINTS WHICH WILL NOT INTERFERE WITH THE EXECUTION OF THE WORK, SUBJECT TO THE APPROVAL OF THE CONTRACTOR, TOWER OWNER, CROWN CASTLE USA INC., AND/OR LOCAL UTILITIES.
14. THE CONTRACTOR SHALL PROVIDE SITE SIGNAGE IN ACCORDANCE WITH THE TECHNICAL SPECIFICATION FOR SITE SIGNAGE REQUIRED BY LOCAL JURISDICTION AND SIGNAGE REQUIRED ON INDIVIDUAL PIECES OF EQUIPMENT, ROOMS, AND SHELTERS.
15. THE SITE SHALL BE GRADED TO CAUSE SURFACE WATER TO FLOW AWAY FROM THE CARRIER'S EQUIPMENT AND TOWER AREAS.
16. THE SUB GRADE SHALL BE COMPACTED AND BROUGHT TO A SMOOTH UNIFORM GRADE PRIOR TO FINISHED SURFACE APPLICATION.
17. THE AREAS OF THE OWNERS PROPERTY DISTURBED BY THE WORK AND NOT COVERED BY THE TOWER, EQUIPMENT OR DRIVEWAY, SHALL BE GRADED TO A UNIFORM SLOPE, AND STABILIZED TO PREVENT EROSION AS SPECIFIED ON THE CONSTRUCTION DRAWINGS AND/OR PROJECT SPECIFICATIONS.
18. CONTRACTOR SHALL MINIMIZE DISTURBANCE TO EXISTING SITE DURING CONSTRUCTION. EROSION CONTROL MEASURES, IF REQUIRED DURING CONSTRUCTION, SHALL BE IN CONFORMANCE WITH THE LOCAL GUIDELINES FOR EROSION AND SEDIMENT CONTROL.
19. THE CONTRACTOR SHALL PROTECT EXISTING IMPROVEMENTS, PAVEMENTS, CURBS, LANDSCAPING AND STRUCTURES. ANY DAMAGED PART SHALL BE REPAIRED AT CONTRACTOR'S EXPENSE TO THE SATISFACTION OF THE OWNER.
20. CONTRACTOR SHALL LEGALLY AND PROPERLY DISPOSE OF ALL SCRAP MATERIALS SUCH AS COAXIAL CABLES AND OTHER ITEMS REMOVED FROM THE EXISTING FACILITY. ANTENNAS REMOVED SHALL BE RETURNED TO THE OWNER'S DESIGNATED LOCATION.
21. CONTRACTOR SHALL LEAVE PREMISES IN CLEAN CONDITION. TRASH AND DEBRIS SHOULD BE REMOVED FROM SITE ON A DAILY BASIS.
22. NO FILL OR EMBANKMENT MATERIAL SHALL BE PLACED ON FROZEN GROUND. FROZEN MATERIALS, SNOW OR ICE SHALL NOT BE PLACED IN ANY FILL OR EMBANKMENT.

1. ALL GROUND ELECTRODE SYSTEMS (INCLUDING TELECOMMUNICATION, RADIO, LIGHTNING PROTECTION AND AC POWER GES'S) SHALL BE BONDED TOGETHER AT OR BELOW GRADE, BY TWO OR MORE COPPER BONDING CONDUCTORS IN ACCORDANCE WITH THE NEC.
2. THE CONTRACTOR SHALL PERFORM IEEE FALL-OF-POTENTIAL RESISTANCE TO EARTH TESTING (PER IEEE 1100 AND 81) FOR GROUND ELECTRODE SYSTEMS, THE CONTRACTOR SHALL FURNISH AND INSTALL SUPPLEMENTAL GROUND ELECTRODES AS NEEDED TO ACHIEVE A TEST RESULT OF 5 OHMS OR LESS.
3. THE CONTRACTOR IS RESPONSIBLE FOR PROPERLY SEQUENCING GROUNDING AND UNDERGROUND CONDUIT INSTALLATION AS TO PREVENT ANY LOSS OF CONTINUITY IN THE GROUNDING SYSTEM OR DAMAGE TO THE CONDUIT AND PROVIDE TESTING RESULTS.
4. METAL CONDUIT AND TRAY SHALL BE GROUNDED AND MADE ELECTRICALLY CONTINUOUS WITH LISTED BONDING FITTINGS OR BY BONDING ACROSS THE DISCONTINUITY WITH #6 COPPER WIRE UL APPROVED GROUNDING TYPE CONDUIT CLAMPS.
5. METAL RACEWAY SHALL NOT BE USED AS THE NEC REQUIRED EQUIPMENT GROUND CONDUCTOR. STRANDED COPPER CONDUCTORS WITH GREEN INSULATION, SIZED IN ACCORDANCE WITH THE NEC, SHALL BE FURNISHED AND INSTALLED WITH THE POWER CIRCUITS TO BITS EQUIPMENT.
6. EACH CABINET FRAME SHALL BE DIRECTLY CONNECTED TO THE MASTER GROUND BAR WITH GREEN INSULATED SUPPLEMENTAL EQUIPMENT GROUND WIRES, #6 STRANDED COPPER OR LARGER FOR INDOOR BITS; #2 BARE SOLID TINNED COPPER FOR OUTDOOR BITS.
7. CONNECTIONS TO THE GROUND BUS SHALL NOT BE DOUBLED UP OR STACKED BACK TO BACK CONNECTIONS ON OPPOSITE SIDE OF THE GROUND BUS ARE PERMITTED.
8. ALL EXTERIOR GROUND CONDUCTORS BETWEEN EQUIPMENT/GROUND BARS AND THE GROUND RING SHALL BE #2 SOLID TINNED COPPER UNLESS OTHERWISE INDICATED.
9. ALUMINUM CONDUCTOR OR COPPER CLAD STEEL CONDUCTOR SHALL NOT BE USED FOR GROUNDING CONNECTIONS.
10. USE OF 90° BENDS IN THE PROTECTION GROUNDING CONDUCTORS SHALL BE AVOIDED WHEN 45° BENDS CAN BE ADEQUATELY SUPPORTED.
11. EXOTHERMIC WELDS SHALL BE USED FOR ALL GROUNDING CONNECTIONS BELOW GRADE.
12. ALL GROUND CONNECTIONS ABOVE GRADE (INTERIOR AND EXTERIOR) SHALL BE FORMED USING HIGH PRESS CRIMPS.
13. COMPRESSION GROUND CONNECTIONS MAY BE REPLACED BY EXOTHERMIC WELD CONNECTIONS.
14. ICE BRIDGE BONDING CONDUCTORS SHALL BE EXOTHERMICALLY BONDED OR BOLTED TO THE BRIDGE AND THE TOWER GROUND BAR.
15. APPROVED ANTIOXIDANT COATINGS (i.e. CONDUCTIVE GEL OR PASTE) SHALL BE USED ON ALL COMPRESSION AND BOLTED GROUND CONNECTIONS.
16. ALL EXTERIOR GROUND CONNECTIONS SHALL BE COATED WITH A CORROSION RESISTANT MATERIAL.
17. MISCELLANEOUS ELECTRICAL AND NON-ELECTRICAL METAL BOXES, FRAMES AND SUPPORTS SHALL BE BONDED TO THE GROUND RING, IN ACCORDANCE WITH THE NEC.
18. BOND ALL METALLIC OBJECTS WITHIN 6 FT. OF MAIN GROUND RING WITH (1) #2 BARE SOLID TINNED COPPER GROUND CONDUCTOR.
19. GROUND CONDUCTORS USED FOR THE FACILITY GROUNDING AND LIGHTNING PROTECTION SYSTEMS SHALL NOT BE ROUTED THROUGH METALLIC OBJECTS THAT FORM A RING AROUND THE CONDUCTOR, SUCH AS METALLIC CONDUITS, METAL SUPPORT CLIPS OR SLEEVES THROUGH WALLS OR FLOORS, WHEN IT IS REQUIRED TO BE HOUSED IN CONDUIT TO MEET CODE REQUIREMENTS OR LOCAL CONDITIONS, NON-METALLIC MATERIAL SUCH AS PVC CONDUIT SHALL BE USED. WHERE USE OF METAL CONDUIT IS UNAVOIDABLE (i.e., NONMETALLIC CONDUIT PROHIBITED BY LOCAL CODE) THE GROUND CONDUCTOR SHALL BE BONDED TO EACH END OF THE METAL CONDUIT.
20. ALL GROUNDS THAT TRANSITION FROM BELOW GRADE TO ABOVE GRADE MUST BE #2 BARE SOLID TINNED COPPER IN 3/4" NON-METALLIC, FLEXIBLE CONDUIT FROM 24" BELOW GRADE TO WITHIN 3" TO 6" OF CAD-WELD TERMINATION POINT, THE EXPOSED END OF THE CONDUIT MUST BE SEALED WITH SILICONE CAULK. (ADD TRANSITIONING GROUND STANDARD DETAIL AS WELL).
21. BUILDINGS WHERE THE MAIN GROUNDING CONDUCTORS ARE REQUIRED TO BE ROUTED TO GRADE, THE CONTRACTOR SHALL ROUTE TWO GROUNDING CONDUCTORS FROM THE ROOFTOP, TOWERS, AND WATER TOWERS GROUNDING RING, TO THE EXISTING GROUNDING SYSTEM, THE GROUNDING CONDUCTORS SHALL NOT BE SMALLER THAN 2/0 COPPER. ROOFTOP GROUNDING RING SHALL BE BONDED TO THE EXISTING GROUNDING SYSTEM, THE BUILDING STEEL COLUMNS, LIGHTNING PROTECTION SYSTEM, AND BUILDING MAIN WATER LINE (FERROUS OR NONFERROUS METAL PIPING ONLY).

1. FOR THE PURPOSE OF CONSTRUCTION DRAWING, THE FOLLOWING DEFINITIONS SHALL APPLY:
CONTRACTOR: GENERAL CONTRACTOR RESPONSIBLE FOR CONSTRUCTION
CARRIER: T-MOBILE
TOWER OWNER: CROWN CASTLE USA INC.
2. THESE DRAWINGS HAVE BEEN PREPARED USING STANDARDS OF PROFESSIONAL CARE AND COMPLETENESS NORMALLY EXERCISED UNDER SIMILAR CIRCUMSTANCES BY REPUTABLE ENGINEERS IN THIS OR SIMILAR LOCALITIES. IT IS AGREED THAT THE CONTRACTOR WILL BE RESPONSIBLE FOR THE EXPERIENCED CONTRACTOR AND/OR WORKPEOPLE WHO HAVE A WORKING KNOWLEDGE OF THE APPLICABLE CODE STANDARDS AND REQUIREMENTS AND OF INDUSTRY ACCEPTED STANDARD GOOD PRACTICE. AS NOT EVERY CONDITION OR ELEMENT IS (OR CAN BE) EXPLICITLY SHOWN, ON THESE DRAWINGS, THE CONTRACTOR SHALL USE INDUSTRY ACCEPTED STANDARD GOOD PRACTICE FOR MISCELLANEOUS WORK NOT EXPLICITLY SHOWN.
3. THESE DRAWINGS REPRESENT THE FINISHED STRUCTURE. THEY DO NOT INDICATE THE MEANS OR METHODS OF CONSTRUCTION. THE CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR THE CONSTRUCTION MEANS, METHODS, TECHNIQUES, SEQUENCES, AND PROCEDURES. THE CONTRACTOR SHALL PROVIDE ALL MEASURES NECESSARY FOR PROTECTION OF LIFE AND PROPERTY DURING CONSTRUCTION. SUCH MEASURES SHALL INCLUDE, BUT NOT BE LIMITED TO, BRACING, FORMWORK, SHORING, ETC. SITE VISITS BY THE ENGINEER OR HIS REPRESENTATIVE WILL NOT INCLUDE INSPECTION OF THESE ITEMS AND IS FOR STRUCTURAL OBSERVATION OF THE FINISHED STRUCTURE ONLY.
4. NOTES AND DETAILS IN THE CONSTRUCTION DRAWINGS SHALL TAKE PRECEDENCE OVER GENERAL NOTES AND TYPICAL DETAILS. WHERE NO DETAILS ARE SHOWN, CONSTRUCTION SHALL CONFORM TO SIMILAR WORK ON THE PROJECT, AND/OR AS PROVIDED FOR IN THE CONTRACT DOCUMENTS. WHERE DISCREPANCIES OCCUR BETWEEN PLANS, DETAILS, GENERAL NOTES, AND SPECIFICATIONS, THE GREATER, MORE STRICT REQUIREMENTS, SHALL GOVERN. IF FURTHER CLARIFICATION IS REQUIRED CONTACT THE ENGINEER OF RECORD.
5. SUBSTANTIAL EFFORT HAS BEEN MADE TO PROVIDE ACCURATE DIMENSIONS AND MEASUREMENTS ON THE DRAWINGS TO ASSIST IN THE FABRICATION AND/OR PLACEMENT OF CONSTRUCTION ELEMENTS BUT IT IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR TO FIELD VERIFY THE DIMENSIONS, MEASUREMENTS, AND/OR CLEARANCES SHOWN IN THE CONSTRUCTION DRAWINGS PRIOR TO FABRICATION OR CUTTING OF ANY NEW OR EXISTING CONSTRUCTION ELEMENTS. IF IT IS DETERMINED THAT THERE ARE DISCREPANCIES AND/OR CONFLICTS WITH THE CONSTRUCTION DRAWINGS THE ENGINEER OF RECORD IS TO BE NOTIFIED AS SOON AS POSSIBLE.
6. PRIOR TO THE ISSUANCE OF BIDS, THE BIDDING CONTRACTOR SHALL VISIT THE CELL SITE TO FAMILIARIZE WITH THE EXISTING CONDITIONS AND TO CONFIRM THAT THE WORK CAN BE ACCOMPLISHED AS SHOWN ON THE CONSTRUCTION DRAWINGS. ANY DISCREPANCY FOUND SHALL BE BROUGHT TO THE ATTENTION OF CROWN CASTLE.
7. ALL MATERIALS FURNISHED AND INSTALLED SHALL BE IN STRICT ACCORDANCE WITH ALL APPLICABLE CODES, REGULATIONS AND ORDINANCES. CONTRACTOR SHALL ISSUE ALL APPROPRIATE NOTICES AND COMPLY WITH ALL LAWS, ORDINANCES, RULES, REGULATIONS AND LAWFUL ORDERS OF ANY PUBLIC AUTHORITY REGARDING THE PERFORMANCE OF THE WORK. ALL WORK CARRIED OUT SHALL COMPLY WITH ALL APPLICABLE MUNICIPAL AND UTILITY COMPANY SPECIFICATIONS AND LOCAL JURISDICTIONAL CODES, ORDINANCES AND APPLICABLE REGULATIONS.
8. UNLESS NOTED OTHERWISE, THE WORK SHALL INCLUDE FURNISHING MATERIALS, EQUIPMENT, APPURTENANCES AND LABOR NECESSARY TO COMPLETE ALL INSTALLATIONS AS INDICATED ON THE DRAWINGS.
9. THE CONTRACTOR SHALL INSTALL ALL EQUIPMENT AND MATERIALS IN ACCORDANCE WITH MANUFACTURER'S RECOMMENDATIONS UNLESS SPECIFICALLY STATED OTHERWISE.
10. IF THE SPECIFIED EQUIPMENT CAN NOT BE INSTALLED AS SHOWN ON THESE DRAWINGS, THE CONTRACTOR SHALL PROPOSE AN ALTERNATIVE INSTALLATION FOR APPROVAL BY THE CARRIER AND CROWN CASTLE PRIOR TO PROCEEDING WITH ANY SUCH CHANGE OF INSTALLATION.
11. CONTRACTOR IS TO PERFORM A SITE INVESTIGATION AND IS TO DETERMINE THE BEST ROUTING OF ALL CONDUITS FOR POWER, AND TELCO AND FOR GROUNDING CABLES AS SHOWN IN THE POWER, TELCO, AND GROUNDING PLAN DRAWINGS.
12. THE CONTRACTOR SHALL PROTECT EXISTING IMPROVEMENTS, PAVEMENTS, CURBS, LANDSCAPING AND STRUCTURES. ANY DAMAGED PART SHALL BE REPAIRED AT CONTRACTOR'S EXPENSE TO THE SATISFACTION OF CROWN CASTLE USA INC.
13. CONTRACTOR SHALL LEGALLY AND PROPERLY DISPOSE OF ALL SCRAP MATERIALS SUCH AS COAXIAL CABLES AND OTHER ITEMS REMOVED FROM THE EXISTING FACILITY. ANTENNAS REMOVED SHALL BE RETURNED TO THE OWNER'S DESIGNATED LOCATION.
14. CONTRACTOR SHALL LEAVE PREMISES IN CLEAN CONDITION. TRASH AND DEBRIS SHOULD BE REMOVED FROM SITE ON A DAILY BASIS.

1. ALL CONCRETE WORK SHALL BE IN ACCORDANCE WITH THE ACI 301, ACI 318, ACI 336, ASTM A184, ASTM A185 AND THE DESIGN AND CONSTRUCTION SPECIFICATION FOR CAST-IN-PLACE CONCRETE.
2. UNLESS NOTED OTHERWISE, SOIL BEARING PRESSURE USED FOR DESIGN OF SLABS AND FOUNDATIONS IS ASSUMED TO BE 1000 psf.
3. ALL CONCRETE SHALL HAVE A MINIMUM COMPRESSIVE STRENGTH (f'_c) OF 3000 psi AT 28 DAYS, UNLESS NOTED OTHERWISE. NO MORE THAN 90 MINUTES SHALL ELAPSE FROM BATCH TIME TO TIME OF PLACEMENT UNLESS APPROVED BY THE ENGINEER OF RECORD. TEMPERATURE OF CONCRETE SHALL NOT EXCEED 90°F AT TIME OF PLACEMENT.
4. CONCRETE EXPOSED TO FREEZE–THAW CYCLES SHALL CONTAIN AIR ENTRAINING ADMIXTURES, AMOUNT OF AIR ENTRAINMENT TO BE BASED ON SIZE OF AGGREGATE AND F3 CLASS EXPOSURE (VERY SEVERE). CEMENT USED TO BE TYPE II PORTLAND CEMENT WITH A MAXIMUM WATER–TO–CEMENT RATIO (W/C) OF 0.45.
5. ALL STEEL REINFORCING SHALL CONFORM TO ASTM A615. ALL WELDED WIRE FABRIC (WWF) SHALL CONFORM TO ASTM A185. ALL SPLICES SHALL BE CLASS "B" TENSION SPLICES, UNLESS NOTED OTHERWISE. ALL HOOKS SHALL BE STANDARD 90 DEGREE HOOKS, UNLESS NOTED OTHERWISE. YIELD STRENGTH (f_y) OF STANDARD DEFORMED BARS ARE AS FOLLOWS:
#4 BARS AND SMALLER.....40 ksi
#5 BARS AND LARGER.....60 ksi
6. THE FOLLOWING MINIMUM CONCRETE COVER SHALL BE PROVIDED FOR REINFORCING STEEL UNLESS SHOWN OTHERWISE ON DRAWINGS:
CONCRETE CAST AGAINST AND PERMANENTLY EXPOSED TO EARTH.....3"
CONCRETE EXPOSED TO EARTH OR WEATHER:
#6 BARS AND LARGER.....2"
#5 BARS AND SMALLER.....1–1/2"
CONCRETE NOT EXPOSED TO EARTH OR WEATHER:
SLAB AND WALLS.....3/4"
BEAMS AND COLUMNS.....1–1/2"
7. A TOOLED EDGE OR A 3/4" CHAMFER SHALL BE PROVIDED AT ALL EXPOSED EDGES OF CONCRETE, UNLESS NOTED OTHERWISE, IN ACCORDANCE WITH ACI 301 SECTION 4.2.4.

1. ALL ELECTRICAL WORK SHALL BE PERFORMED IN ACCORDANCE WITH THE PROJECT SPECIFICATIONS, NEC AND ALL APPLICABLE FEDERAL, STATE, AND LOCAL CODES/ORDINANCES.
2. CONDUIT ROUTINGS ARE SCHEMATIC. CONTRACTOR SHALL INSTALL CONDUITS SO THAT ACCESS TO EQUIPMENT IS NOT BLOCKED AND TRIP HAZARDS ARE ELIMINATED.
3. WIRING, RACEWAY AND SUPPORT METHODS AND MATERIALS SHALL COMPLY WITH THE REQUIREMENTS OF THE NEC.
4. ALL CIRCUITS SHALL BE SEGREGATED AND MAINTAIN MINIMUM CABLE SEPARATION AS REQUIRED BY THE NEC.
- 4.1. ALL EQUIPMENT SHALL BEAR THE UNDERWRITERS LABORATORIES LABEL OF APPROVAL, AND SHALL CONFORM TO REQUIREMENTS OF THE NATIONAL ELECTRICAL CODE.
- 4.2. ALL OVERCURRENT DEVICES SHALL HAVE AN INTERRUPTING CURRENT RATING THAT SHALL BE GREATER THAN THE SHORT CIRCUIT CURRENT TO WHICH THEY ARE SUBJECTED, 22,000 AIC MINIMUM. VERIFY AVAILABLE SHORT CIRCUIT CURRENT DOES NOT EXCEED THE RATING OF ELECTRICAL EQUIPMENT IN ACCORDANCE WITH ARTICLE 110.24 NEC OR THE MOST CURRENT ADOPTED CODE PRE THE GOVERNING JURISDICTION.
5. EACH END OF EVERY POWER PHASE CONDUCTOR, GROUNDING CONDUCTOR, AND TELCO CONDUCTOR OR CABLE SHALL BE LABELED WITH COLOR-CODED INSULATION OR ELECTRICAL TAPE (3M BRAND, 1/2" PLASTIC ELECTRICAL TAPE WITH UV PROTECTION, OR EQUAL). THE IDENTIFICATION METHOD SHALL CONFORM WITH NEC AND OSHA.
6. ALL ELECTRICAL COMPONENTS SHALL BE CLEARLY LABELED WITH LAMICOID TAGS SHOWING THEIR RATED VOLTAGE, PHASE CONFIGURATION, WIRE CONFIGURATION, POWER OR AMPACITY RATING AND BRANCH CIRCUIT ID NUMBERS (i.e. PANEL BOARD AND CIRCUIT ID'S).
7. PANEL BOARDS (ID NUMBERS) SHALL BE CLEARLY LABELED WITH PLASTIC LABELS.
8. ALL THE WRAPS SHALL BE CUT FLUSH WITH APPROVED CUTTING TOOL TO REMOVE SHARP EDGES.
9. ALL POWER AND EQUIPMENT GROUND WIRING IN TUBING OR CONDUIT SHALL BE SINGLE COPPER CONDUCTOR (#14 OR LARGER) WITH TYPE THHW, THWN-2, XHHW, XHHW-2, THW, THW-2, RHW, OR RHW-2 INSULATION UNLESS OTHERWISE SPECIFIED.
10. SUPPLEMENTAL EQUIPMENT GROUND WIRING LOCATED INDOORS SHALL BE SINGLE COPPER CONDUCTOR (#6 OR LARGER) WITH TYPE THHW, THWN, THWN-2, XHHW, XHHW-2, THW, THW-2, RHW, OR RHW-2 INSULATION UNLESS OTHERWISE SPECIFIED.
11. POWER AND CONTROL WIRING IN FLEXIBLE CORD SHALL BE MULTI-CONDUCTOR, TYPE SOOW CORD (#14 OR LARGER) UNLESS OTHERWISE SPECIFIED.
12. POWER AND CONTROL WIRING FOR USE IN CABLE TRAY SHALL BE MULTI-CONDUCTOR, TYPE TC CABLE (#14 OR LARGER), WITH TYPE THHW, THWN, THWN-2, XHHW, XHHW-2, THW, THW-2, RHW, OR RHW-2 INSULATION UNLESS OTHERWISE SPECIFIED.
13. ALL POWER AND GROUNDING CONNECTIONS SHALL BE CRIMP-STYLE, COMPRESSION WIRE LUGS AND WIRE NUTS BY THOMAS AND BETTS (OR EQUAL). LUGS AND WIRE NUTS SHALL BE RATED FOR OPERATION NOT LESS THAN 75° C (90° C IF AVAILABLE).
14. RACEWAY AND CABLE TRAY SHALL BE LISTED OR LABELED FOR ELECTRICAL USE IN ACCORDANCE WITH NEMA, UL, ANSI/IEEC AND NEC.
15. ELECTRICAL METALLIC TUBING (EMT), INTERMEDIATE METAL CONDUIT (IMC), OR RIGID METAL CONDUIT (RMC) SHALL BE USED FOR EXPOSED INDOOR LOCATIONS.
16. ELECTRICAL METALLIC TUBING (EMT) OR METAL-CLAD CABLE (MC) SHALL BE USED FOR CONCEALED INDOOR LOCATIONS.
17. UNDERGROUND CONDUIT SHALL BE SCHEDULE 40 PVC ON STRAIGHTS AND SCHEDULE 80 PVC UNDER ALL TRAFFIC EASEMENTS AND ALL ELBOWS/90s. ABOVE GRADE CONDUIT TO BE SCH 80 PVC OR IMC/RMC CONDUIT. EMT IS ALLOWED AT STUB UP LOCATIONS AND INDOORS ONLY.
18. LIQUID-TIGHT FLEXIBLE METALLIC CONDUIT (LIQUID-TITE FLEX) SHALL BE USED INDOORS AND OUTDOORS, WHERE VIBRATION OCCURS OR FLEXIBILITY IS NEEDED.
19. CONDUIT AND TUBING FITTINGS SHALL BE THREADED OR COMPRESSION-TYPE AND APPROVED FOR THE LOCATION USED. SET SCREW FITTINGS ARE NOT ACCEPTABLE.
20. CABINETS, BOXES AND WIRE WAYS SHALL BE LABELED FOR ELECTRICAL USE IN ACCORDANCE WITH NEMA, UL, ANSI/IEEC AND THE NEC.
21. WIREWAYS SHALL BE METAL WITH AN ENAMEL FINISH AND INCLUDE A HINGED COVER, DESIGNED TO SWING OPEN DOWNWARDS (WIREMOLD SPECIMATE WIREWAY).
22. SLOTTED WIRING DUCT SHALL BE PVC AND INCLUDE COVER (PANDUIT TYPE E OR EQUAL).
23. CONDUIT SHALL BE FASTENED SECURELY IN PLACE WITH APPROVED NON-PERFORATING STRAPS AND HANGERS. EXPLOSIVE DEVICES OR POWDER-ACTUATED FOR ATTACHING HANGERS TO STRUCTURE WILL NOT BE PERMITTED. CLOSELY FOLLOW THE LINES OF THE STRUCTURE, MAINTAIN CLOSE PROXIMITY TO THE STRUCTURE AND KEEP CONDUITS IN TIGHT ENVELOPES. CHANGES IN DIRECTION TO ROUTE AROUND OBSTACLES SHALL BE MADE WITH CONDUIT OUTLET BODIES. CONDUIT SHALL BE INSTALLED IN A NEAT AND WORKMANLIKE MANNER, PARALLEL AND PERPENDICULAR TO STRUCTURE WALL AND CEILING LINES. ALL CONDUIT SHALL BE FISHED TO CLEAR OBSTRUCTIONS. ENDS OF CONDUITS SHALL BE TEMPORARILY CAPPED FLUSH TO FINISH GRADE TO PREVENT CONCRETE, PLASTER OR DIRT FROM ENTERING. CONDUITS SHALL BE RIGIDLY CLAMPED TO BOXES BY GALVANIZED MALLEABLE IRON BUSHING ON INSIDE AND GALVANIZED MALLEABLE IRON LOCKNUT ON OUTSIDE AND INSIDE.
24. EQUIPMENT CABINETS, TERMINAL BOXES, JUNCTION BOXES AND PULL BOXES SHALL BE GALVANIZED OR EPOXY-COATED SHEET STEEL. SHALL MEET OR EXCEED UL 50 AND BE RATED NEMA 1 (OR BETTER) FOR INTERIOR LOCATIONS AND NEMA 3R (OR BETTER) FOR EXTERIOR LOCATIONS.
25. METAL RECEPTACLE, SWITCH AND DEVICE BOXES SHALL BE GALVANIZED, EPOXY-COATED OR NON-CORRODING; SHALL MEET OR EXCEED UL 514A AND NEMA OS 1 AND BE RATED NEMA 1 (OR BETTER) FOR INTERIOR LOCATIONS AND WEATHER PROTECTED (WP OR BETTER) FOR EXTERIOR LOCATIONS.
26. NONMETALLIC RECEPTACLE, SWITCH AND DEVICE BOXES SHALL MEET OR EXCEED NEMA OS 2 (NEWEST REVISION) AND BE RATED NEMA 1 (OR BETTER) FOR INTERIOR LOCATIONS AND WEATHER PROTECTED (WP OR BETTER) FOR EXTERIOR LOCATIONS.
27. THE CONTRACTOR SHALL NOTIFY AND OBTAIN NECESSARY AUTHORIZATION FROM THE CARRIER AND/OR CROWN CASTLE USA INC. BEFORE COMMENCING WORK ON THE AC POWER DISTRIBUTION PANELS.
28. THE CONTRACTOR SHALL PROVIDE NECESSARY TAGGING ON THE BREAKERS, CABLES AND DISTRIBUTION PANELS IN ACCORDANCE WITH THE APPLICABLE CODES AND STANDARDS TO SAFEGUARD LIFE AND PROPERTY.
29. INSTALL LAMICOID LABEL ON THE METER CENTER TO SHOW "I-MOBILE".
30. ALL EMPTY/SPARE CONDUITS THAT ARE INSTALLED ARE TO HAVE A METERED MULE TAPE PULL CORD INSTALLED.

* SEE NEC 210.5(C)(1) AND (2)
** POLARITY MARKED AT TERMINATION

ANT	ANTENNA
(E)	EXISTING
FIF	FACILITY INTERFACE FRAME
GEN	GENERATOR
GPS	GLOBAL POSITIONING SYSTEM
GSM	GLOBAL SYSTEM FOR MOBILE
LTE	LONG TERM EVOLUTION
MGB	MASTER GROUND BRAR
MW	MICROWAVE
(N)	NEW
NEC	NATIONAL ELECTRIC CODE
(P)	PROPOSED
PP	POWER PLANT
QTY	QUANTITY
RECT	RECTIFIER
RBS	RADIO BASE STATION
RET	REMOTE ELECTRIC TILT
RFDS	RADIO FREQUENCY DATA SHEET
RRH	REMOTE RADIO HEAD
RRU	REMOTE RADIO UNIT
SIAD	SMART INTEGRATED DEVICE
TMA	TOWER MOUNTED AMPLIFIER
TYP	TYPICAL
UMTS	UNIVERSAL MOBILE TELECOMMUNICATIONS SYSTEM
W.P.	WORK POINT

WHITE	PROPOSED EXCAVATION
PINK	TEMPORARY SURVEY MARKINGS
RED	ELECTRIC POWER LINES, CABLES, CONDUIT, AND LIGHTING CABLES
YELLOW	GAS, OIL, STEAM, PETROLEUM, OR GASEOUS MATERIALS
ORANGE	COMMUNICATION, ALARM OR SIGNAL LINES, CABLES, OR CONDUIT AND TRAFFIC LOOPS
BLUE	POTABLE WATER
PURPLE	RECLAIMED WATER, IRRIGATION, AND SLURRY LINES
GREEN	SEWERS AND DRAIN LINES



8/28/22

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SHEET NUMBER: T-2	REVISION: 1
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**CROWN
CASTLE**

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CANONSBURG, PA 15317

B+T GRP
1717 S. BOULDER
SUITE 300
TULSA, OK 74119
PH: (918) 587-4630
www.btgrp.com

T-MOBILE SITE NUMBER:
OK01296F

BU #: 822901
CAMDEN

6706 NORTH
PENNSYLVANIA AVE.
NICHOLS HILLS, OK, 73159

EXISTING 70'-0"
MONOPOLE

ISSUED FOR:

REV	DATE	DRWN	DESCRIPTION	DES./QA
0	8/16/22	MEH	CONSTRUCTION	LR
1	8/18/22	YX	CONSTRUCTION	LR



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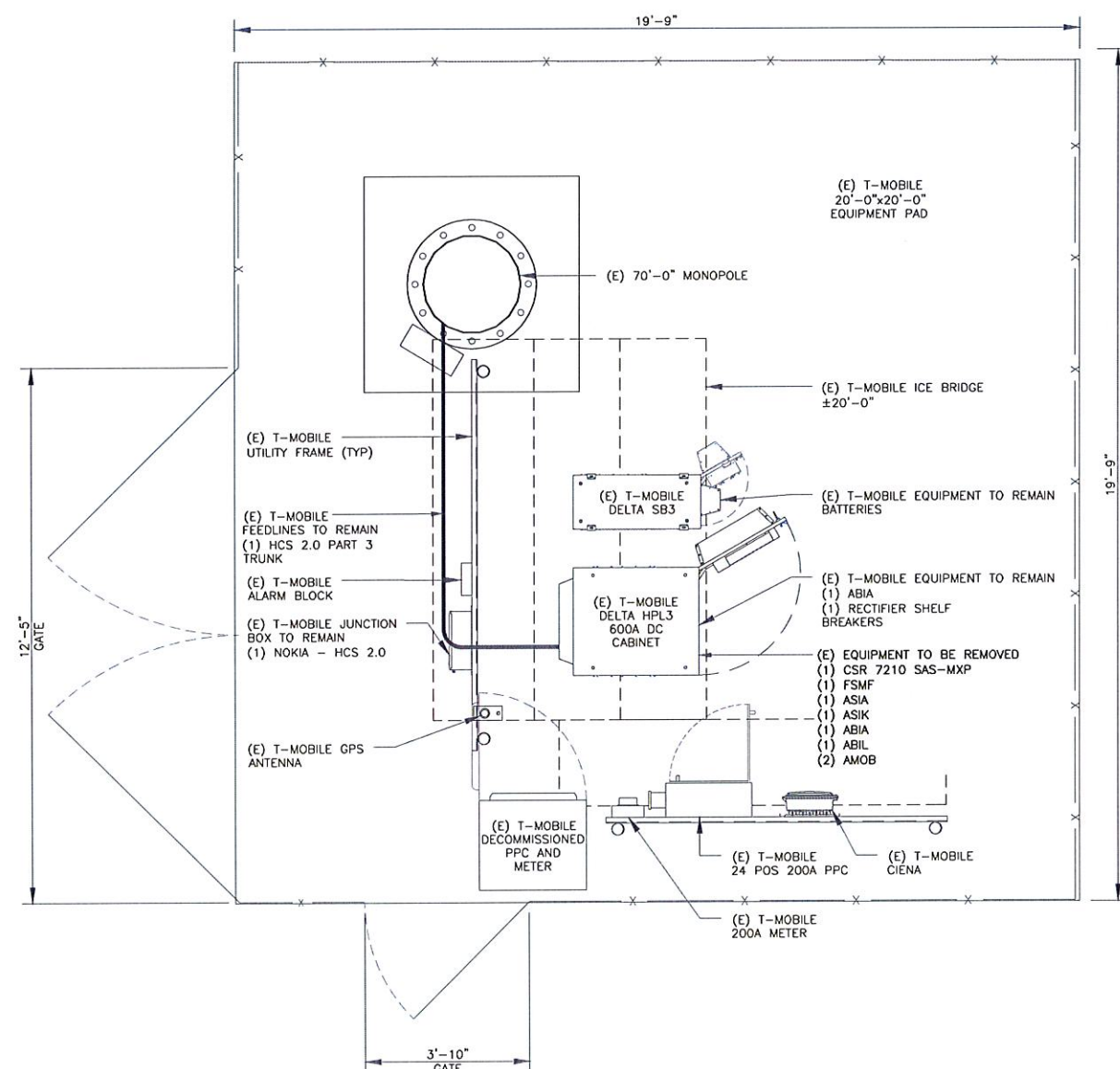
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SHEET NUMBER:
C-1.2

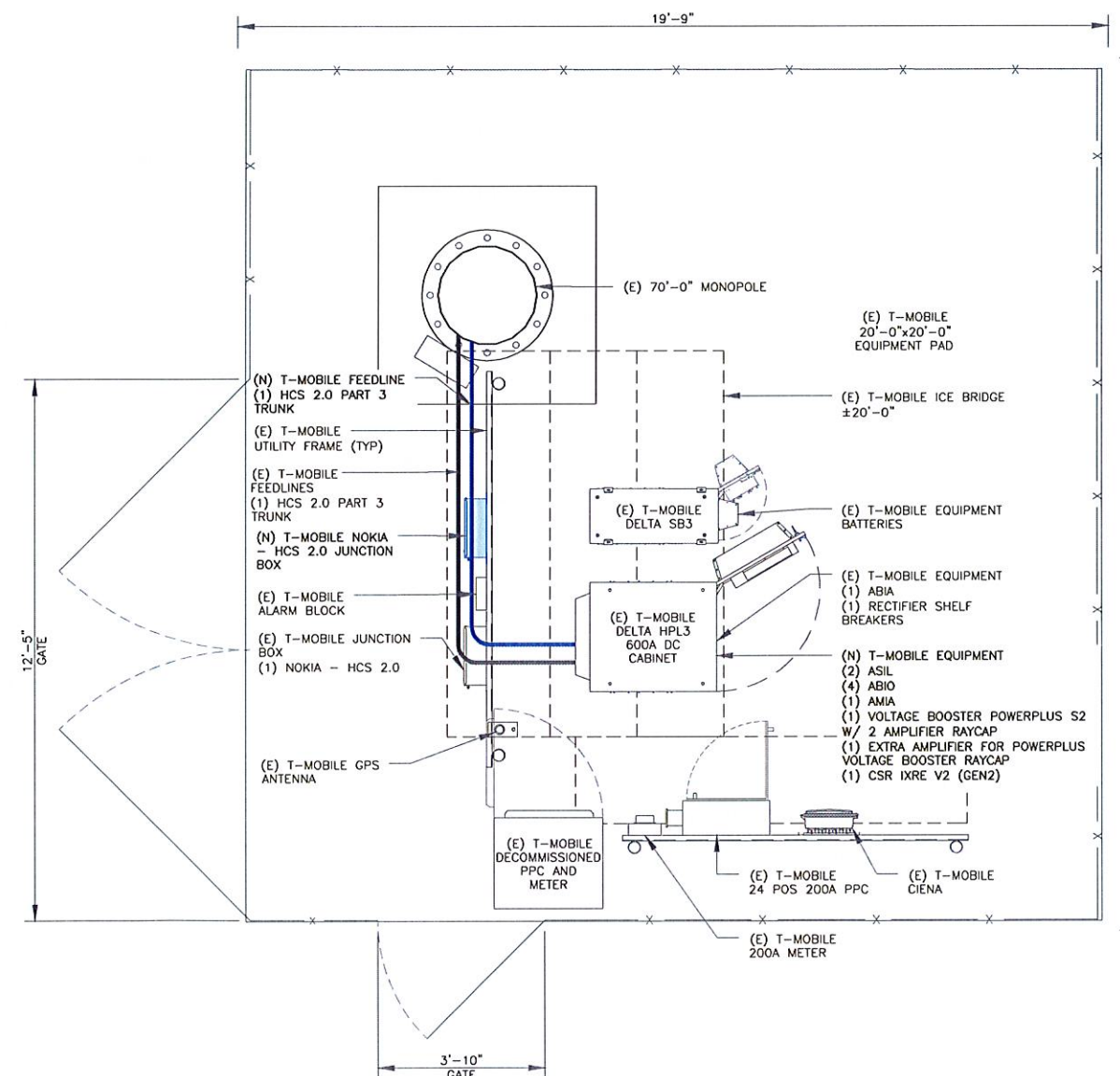
REVISION:
1

EQUIPMENT LEGEND:

- EXISTING
TO BE RELOCATED/REMOVED
NEW



1 EXISTING EQUIPMENT PLAN
SCALE: 1/2"=1'-0" (FULL SIZE)
1/4"=1'-0" (11x17)



2 FINAL EQUIPMENT PLAN
SCALE: 1/2"=1'-0" (FULL SIZE)
1/4"=1'-0" (11x17)



STRUCTURE W/ HIGHEST APPURTENANCE
ELEV. = 77'-0"

HEIGHT OF MONOPOLE
ELEV. = 70'-0"

EXISTING T-MOBILE ANTENNA CENTERLINE
ELEV. = 67'-0"

EXISTING T-MOBILE MOUNT CENTERLINE
ELEV. = 67'-0"

3/C-2

INSTALL ALT - 2022S-5 MOUNT KIT WITH
MODIFICATIONS PER MOUNT MODIFICATION
DESIGN BY INFINGY DATED AUGUST 1, 2022

(E) T-MOBILE FEEDLINES
(1) HCS 2.0 PART 3 TRUNK

NEW T-MOBILE FEEDLINE
(1) NOKIA - HCS 2.0 PART 3 (1-1/2")
(125'-0" LONG)
(ROUTED PER STRUCTURAL ANALYSIS)

(E) 70'-0" MONOPOLE

1 EXISTING ELEVATION
SCALE: NOT TO SCALE

EQUIPMENT LEGEND:

- EXISTING
TO BE RELOCATED/REMOVED
NEW

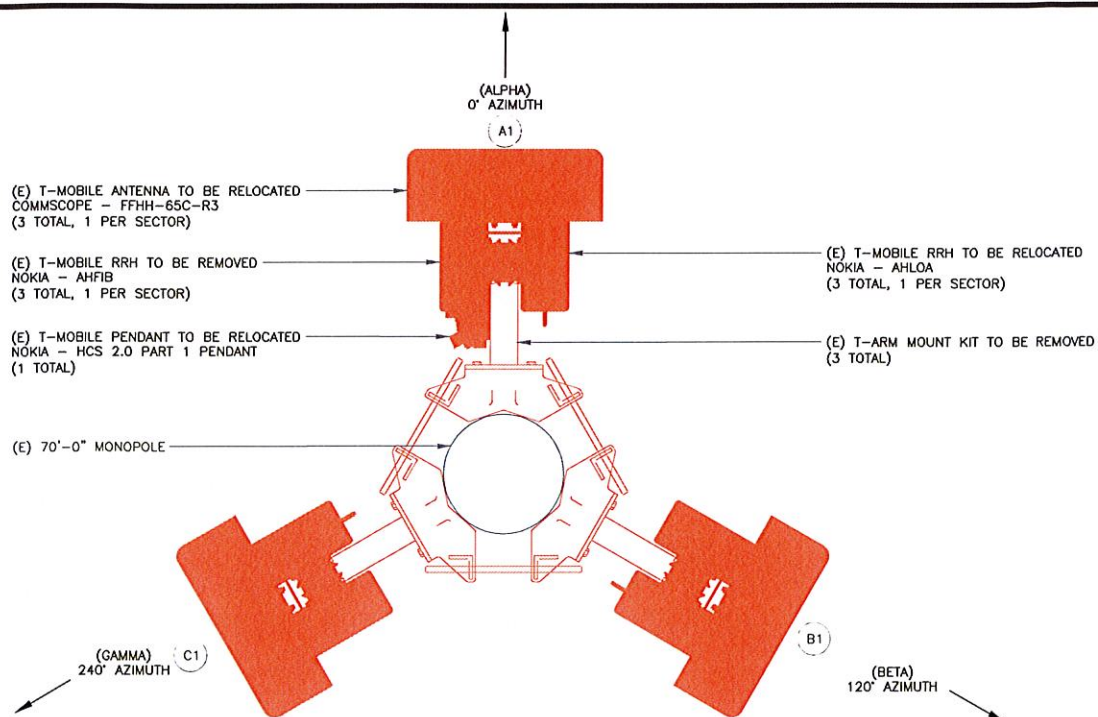
MOUNT ANALYSIS NOTES:

1. THE DESIGN DEPICTED IN THESE DRAWINGS IS VALID WHEN ACCOMPANIED BY A CORRESPONDING PASSING MOUNT ANALYSIS.
2. CONSTRUCTION MANAGER / GENERAL CONTRACTOR SHALL REVIEW THE MOUNT ANALYSIS FOR ANY CONDITIONS PRIOR TO INSTALLATION.
3. ANY REQUIRED MOUNT MODIFICATION DESIGN OR MOUNT REPLACEMENT SHALL BE APPROVED BY EOR.

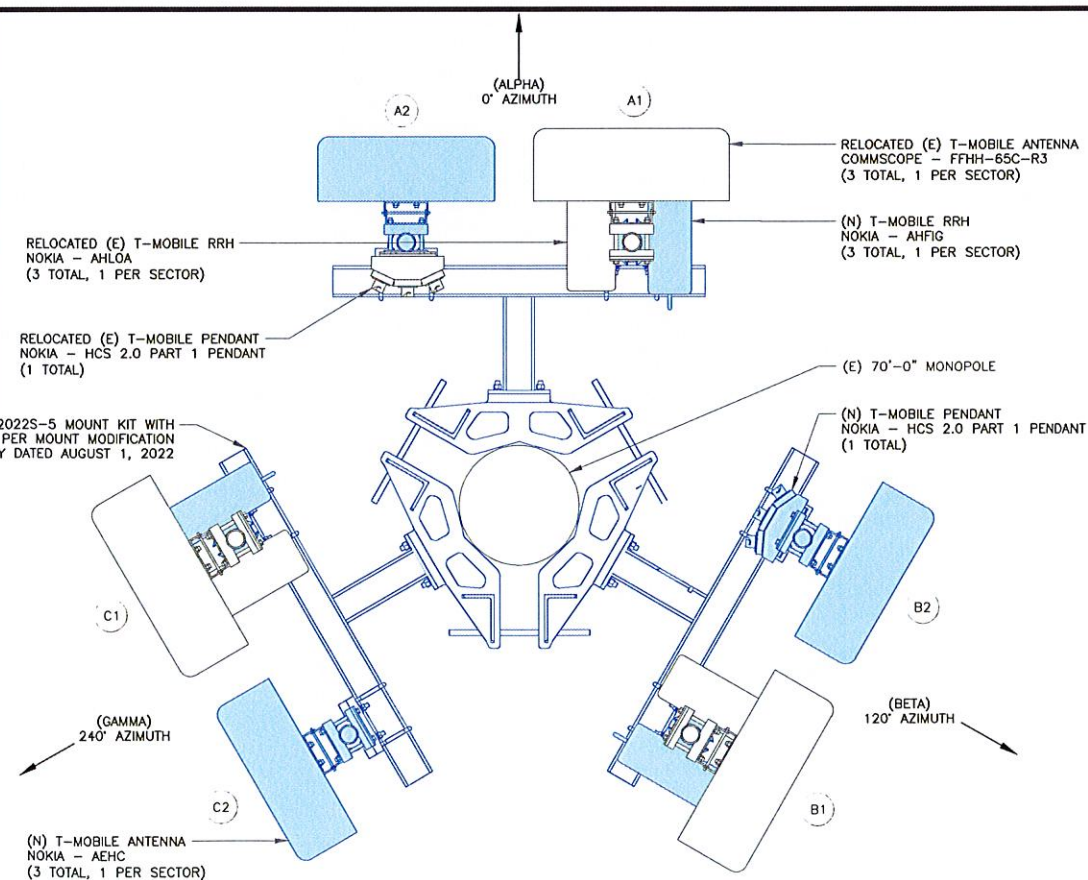
INSTALLER NOTE:

NO PROPOSED LOADING TO BE ADDED UNTIL MOUNT SWAP IS COMPLETE AND MOUNT MODIFICATIONS ARE INSTALLED PER MOUNT MODIFICATION DESIGN BY INFINGY DATED AUGUST 1, 2022.

INSTALL ALT - 2022S-5 MOUNT KIT WITH
MODIFICATIONS PER MOUNT MODIFICATION
DESIGN BY INFINGY DATED AUGUST 1, 2022



2 EXISTING ANTENNA PLAN
SCALE: NOT TO SCALE



3 FINAL ANTENNA PLAN
SCALE: NOT TO SCALE

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B+T GRP

1717 S. BOULDER
SUITE 300
TULSA, OK 74119
PH: (918) 587-4630
www.btgrp.com

T-MOBILE SITE NUMBER:
OK01296F

BU #: 822901
CAMDEN

6706 NORTH
PENNSYLVANIA AVE.
NICHOLS HILLS, OK, 73159

EXISTING 70'-0"
MONOPOLE

ISSUED FOR:

REV	DATE	DRWN	DESCRIPTION	DES/QA
0	8/16/22	MEH	CONSTRUCTION	LR
1	8/18/22	YX	CONSTRUCTION	LR



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SHEET NUMBER:

C-2

REVISION:

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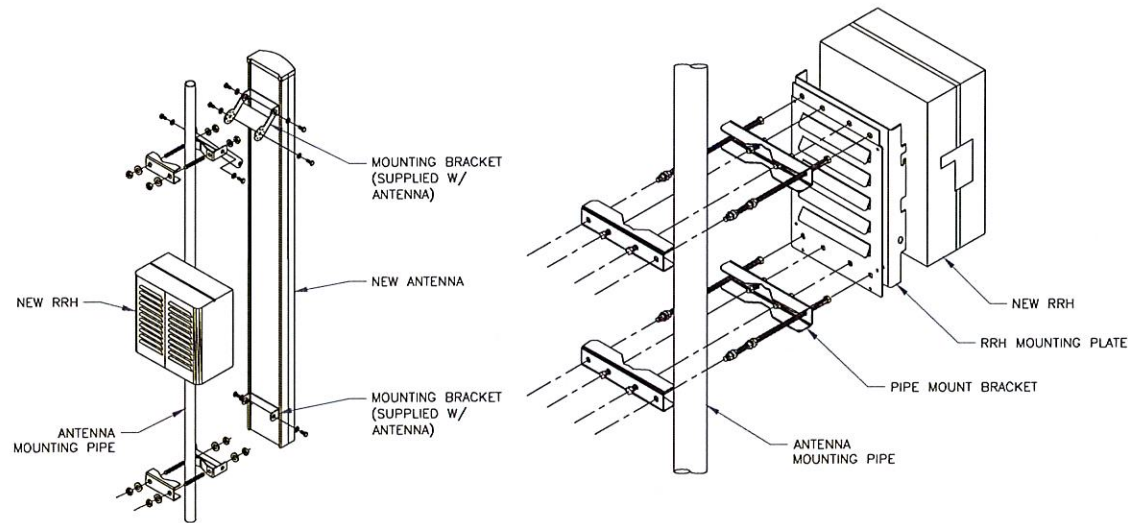
C-3

REVISION:

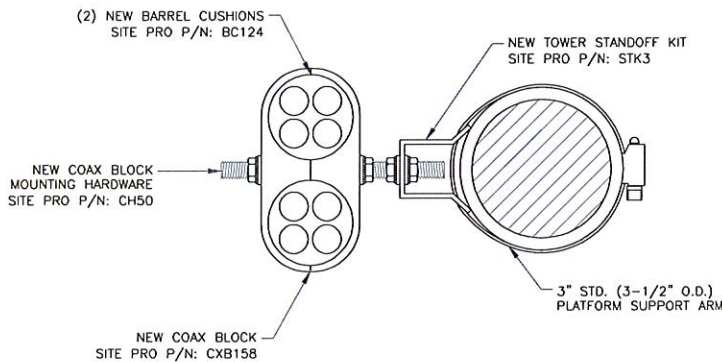
1

INSTALLER NOTES:

1. COMPLY WITH MANUFACTURERS INSTRUCTIONS TO ENSURE THAT ALL RRHs RECEIVE ELECTRICAL POWER WITHIN 24 HOURS OF BEING REMOVED FROM THE MANUFACTURER'S PACKAGING.
2. DO NOT OPEN RRH PACKAGES IN THE RAIN.
3. ALL PIPES, BRACKETS, AND MISCELLANEOUS HARDWARE TO BE GALVANIZED UNLESS NOTED OTHERWISE.



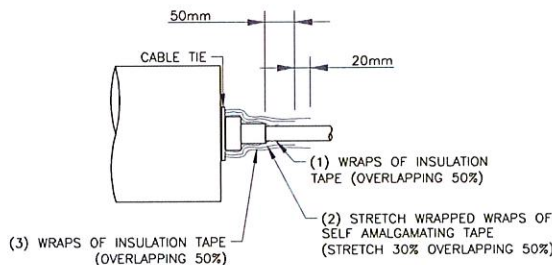
1 ANTENNA WITH RRH MOUNTING DETAIL
SCALE: NOT TO SCALE



2 RF JUMPER DETAIL
SCALE: NOT TO SCALE

INSTALLER NOTE:

JUMPERS TO BE TORQUED TO 221.27 IN/LBS



3 RF JUMPER CONNECTION
SCALE: NOT TO SCALE

Coax Color Coding

- Antennas will be labeled (back of antenna view) right to left: X ports
- Coax/jumper lines will be identified by sector color and by number of bands around the coax/jumper

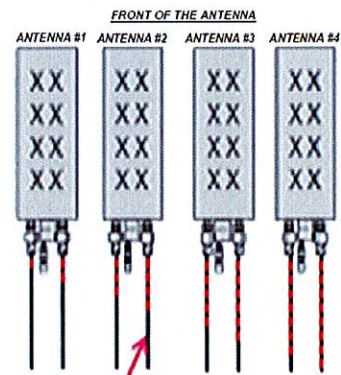
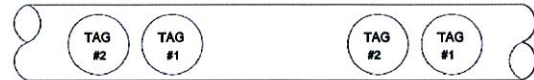
SECTOR A	RED
SECTOR B	GREEN
SECTOR C	BLUE
SECTOR D	YELLOW
SECTOR E	WHITE
SECTOR F	PURPLE
LMU	BROWN + SECTOR COLOR BANDS (1 & 2)
FIBER ID	GRAY
UNUSED COAX	PINK
MICROWAVE	ORANGE
DWE T-1'S + GPS DOWNLINK CABLE	ID W/ LABEL MAKER

COLOR CODING NOTES:

color	GSM
color	UMTS 1900
color	UMTS AWS
color	LTE
color	FIBER CABLE

METALLIC TAG NOTES:

1. TWO METALLIC TAGS SHALL BE ATTACHED AT EACH END OF EVERY CABLE LONGER THAN (3) THREE FEET
2. CABLE LESS THAN (3) THREE FEET WILL HAVE TWO METALLIC TAGS ATTACHED AT THE CENTER OF THE CABLE
3. TAGS WILL BE FASTENED WITH STAINLESS STEEL ZIP TIES APPROPRIATE FOR CABLE DIAMETER
4. STANDARDIZED METALLIC TAG KIT WILL BE ASSEMBLED WITH TAGS ALREADY ENGRAVED TO ACCOMMODATE ALL CONFIGURATIONS



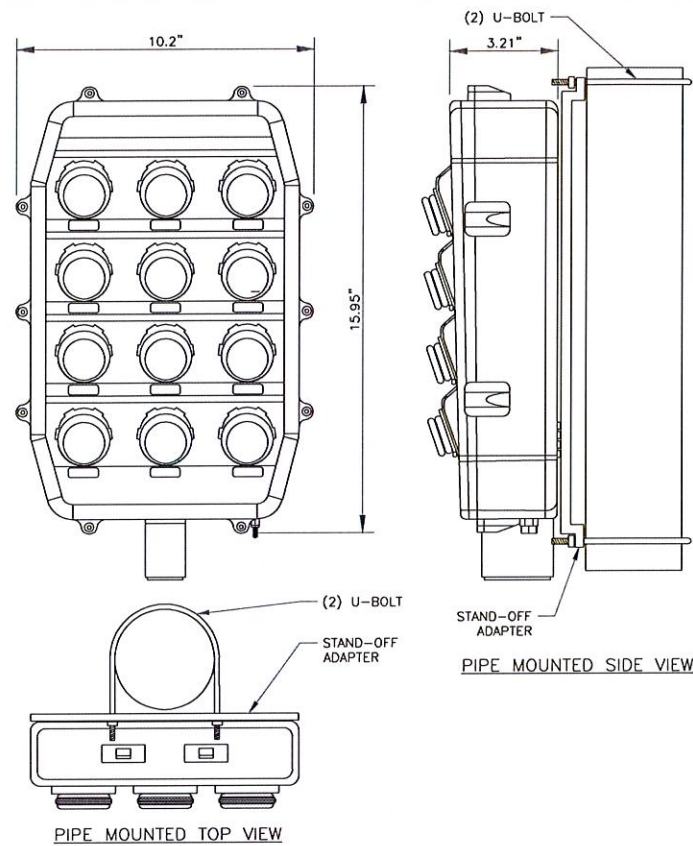
EXAMPLE: COAX WITH FOUR BANDS OF RED TAPE WILL REPRESENT ALPHA SECTOR AND THE 4TH PORT OF ANTENNA

ANTENNA AND COAXIAL CABLE SCHEDULE

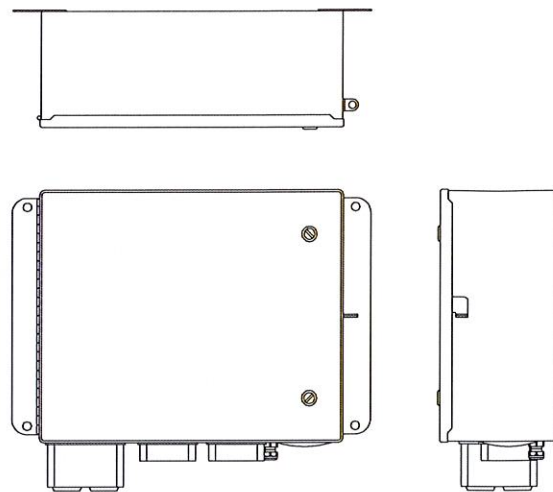
1. ALL ANTENNAS SHALL BE FURNISHED WITH DOWNTILT BRACKETS. CONTRACTOR SHALL COORDINATE REQUIRED MECHANICAL DOWNTILT FOR EACH ANTENNA WITH RF ENGINEER. ANTENNA DOWNTILT SHALL BE SET AND VERIFIED BY A SMART LEVEL.
2. CONTRACTOR SHALL INSTALL COLOR CODE RINGS ON EACH OF THE HYBRID CABLES AND JUMPER CABLES WITH UV RESISTANT TAPE. ALL CABLE SHALL BE MARKED AT TOP AND BOTTOM WITH 2\"/>

4 NOT USED
SCALE: NOT TO SCALE

5 COAX COLOR CODING
SCALE: NOT TO SCALE

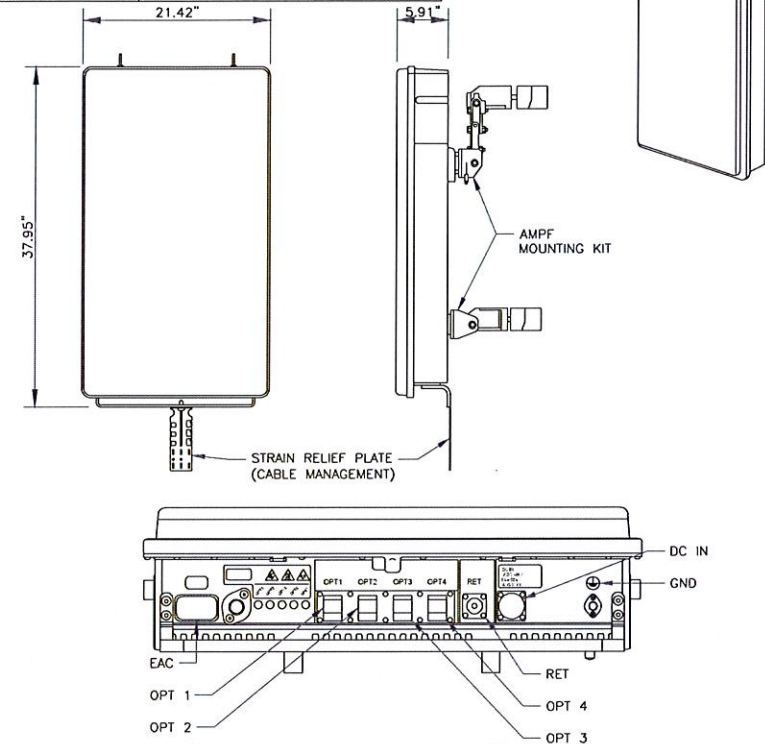


1 HCS 2.0 PENDANT DETAIL
SCALE: NOT TO SCALE



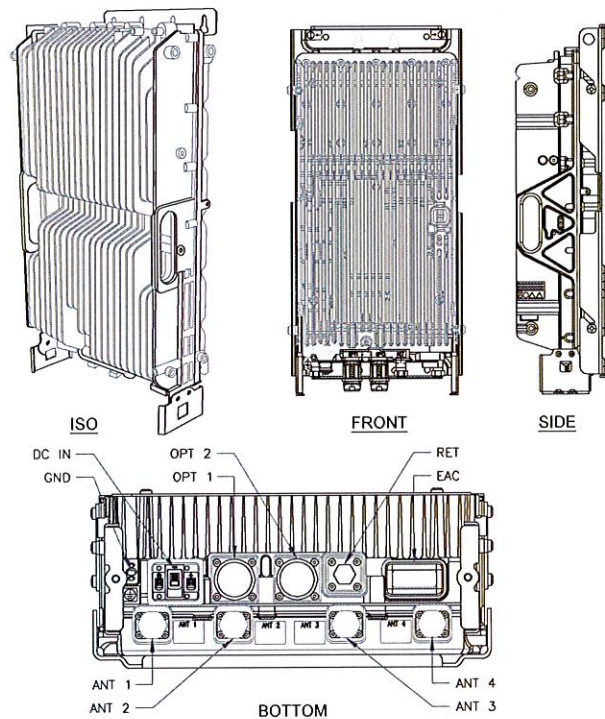
2 NOKIA - HCS 2.0 JUNCTION BOX
SCALE: NOT TO SCALE

MANUFACTURER:	NOKIA
MODEL:	AEHC
DIMENSIONS (HxWxD):	37.95"x21.42"x5.91"
WEIGHT:	108 LBS
BAND:	B41/n41
MOUNTING KIT:	AMPF (475188A) (NOT INCLUDED)



3 NOKIA AEHC ANTENNA SPEC
SCALE: NOT TO SCALE

MANUFACTURER:	NOKIA
MODEL:	AHFIG
DIMENSIONS (HxWxD):	28.7"x12.9"x5.6"
WEIGHT:	70.5 LBS



4 NOKIA AHFIG RRH
SCALE: NOT TO SCALE

5 NOT USED
SCALE: NOT TO SCALE

6 NOT USED
SCALE: NOT TO SCALE

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EXISTING 70'-0"
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ISSUED FOR:				
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1	8/18/22	YX	CONSTRUCTION	LR



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SHEET NUMBER:

C-4

REVISION:

1

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SHEET NUMBER:

E-1

REVISION:

1

NOTES:

1. ALL NEW CONDUCTORS TO BE INSTALLED SHALL BE COPPER. ALL CONDUCTORS SHALL BE THHW, THWN, THWN-2, XHHW, OR XHHW-2 UNLESS NOTED OTHERWISE.
2. CONTRACTOR IS TO FIELD VERIFY ALL EXISTING ITEMS SHOWN ON THE ELECTRICAL ONE-LINE DIAGRAM AND NOTIFY THE ENGINEER OF ANY DISCREPANCIES.
3. ALL GROUNDING AND BONDING PER THE NEC.

EXISTING PANEL SCHEDULE							
LOAD	POLES	AMPS	BUS		AMPS	POLES	LOAD
			L1	L2			
SURGE	2	60A	1	2	20A	1	REC
			3	4			
			5	6			
			7	8	20A	1	INVERTER
			9	10			
			11	12			
			13	14			
			15	16			
SSC	4	200A	17	18			
			19	20			
			21	22			
			23	24			

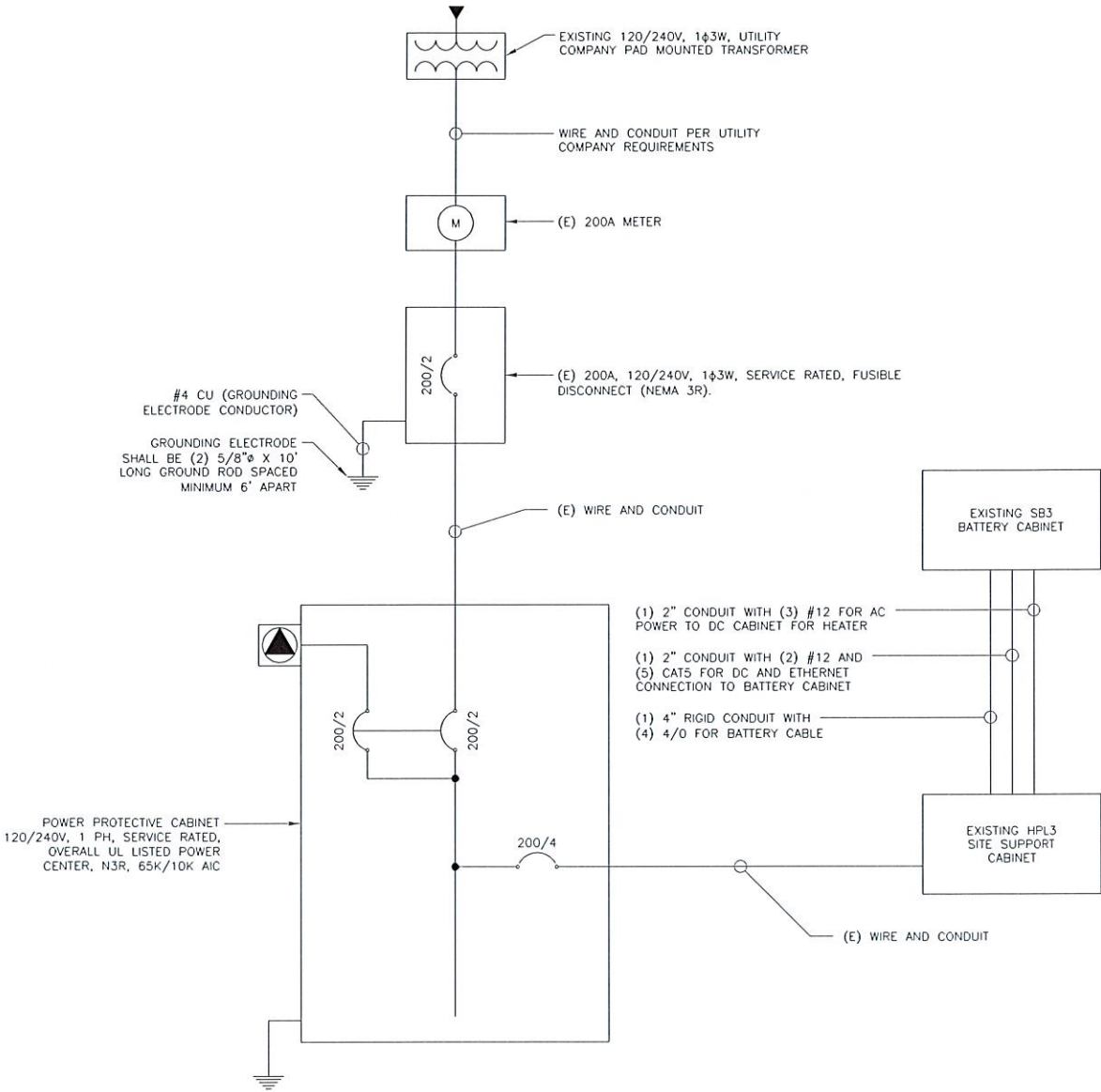
RATED VOLTAGE: ☒ 120/240 ☐ 1 PHASE, 3 WIRE	BRANCH POLES: ☐ 12 ☒ 24 ☐ 30 ☐ 42	APPROVED MFR'S
RATED AMPS: ☐ 100 ☒ 200 ☐ 400 ☐	CABINET: ☒ SURFACE ☐ FLUSH	NEMA ☐ 1 ☒ 3R ☐ 4X
☐ MAIN LUGS ONLY ☒ MAIN 200 AMPS ☒ BREAKER ☐ FUSED SWITCH	☒ HINGED DOOR	☒ KEYED DOOR LATCH
☐ FUSED ☒ CIRCUIT BREAKER ☐ BRANCH DEVICES	☐ TO BE GFCI BREAKERS	FULL NEUTRAL BUS
ALL BREAKERS MUST BE RATED TO INTERRUPT A SHORT CIRCUIT ISC OF 10,000 AMPS SYMMETRICAL		

1 EXISTING PANEL SCHEDULE
SCALE: NOT TO SCALE

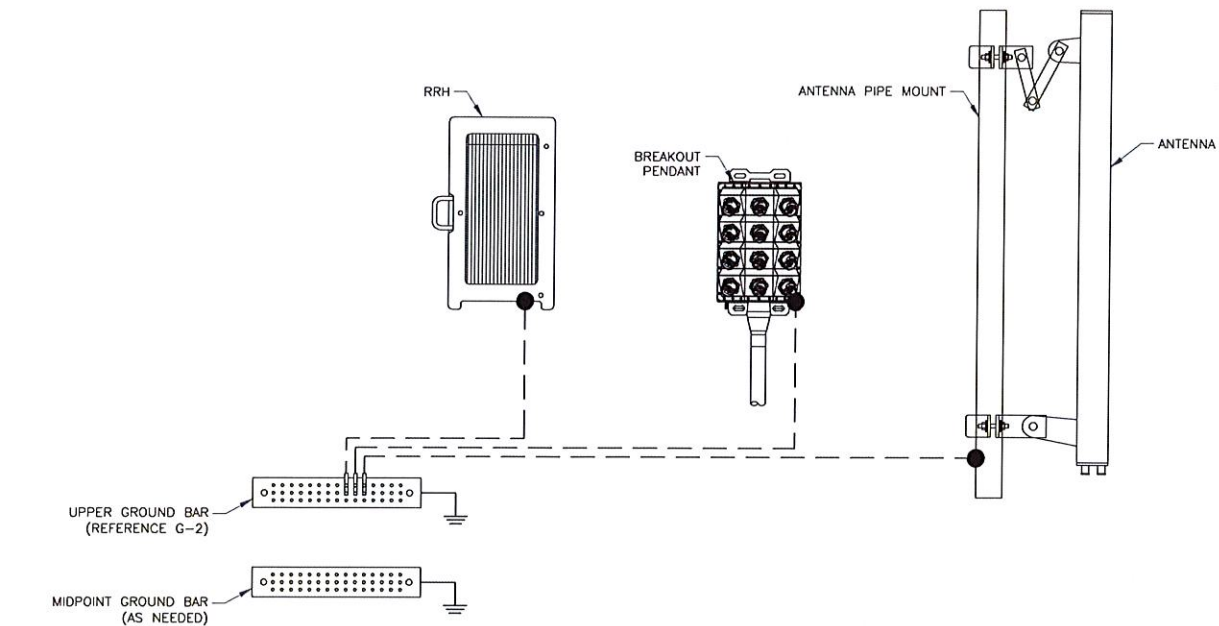
FINAL PANEL SCHEDULE								
LOAD	POLES	AMPS	BUS		AMPS	POLES	LOAD	
			L1	L2				
SURGE	2	60A	1	2	20A	1	REC	
			3	4				
			5	6				
			7	8	20A		1	INVERTER
			9	10				
			11	12				
			13	14				
			15	16				
SSC	4	200A	17	18				
			19	20				
			21	22				
			23	24				

RATED VOLTAGE: ☒ 120/240 ☐ 1 PHASE, 3 WIRE	BRANCH POLES: ☐ 12 ☒ 24 ☐ 30 ☐ 42	APPROVED MFR'S
RATED AMPS: ☐ 100 ☒ 200 ☐ 400 ☐	CABINET: ☒ SURFACE ☐ FLUSH	NEMA ☐ 1 ☒ 3R ☐ 4X
☐ MAIN LUGS ONLY ☒ MAIN 200 AMPS ☒ BREAKER ☐ FUSED SWITCH	☒ HINGED DOOR	☒ KEYED DOOR LATCH
☐ FUSED ☒ CIRCUIT BREAKER ☐ BRANCH DEVICES	☐ TO BE GFCI BREAKERS	FULL NEUTRAL BUS
ALL BREAKERS MUST BE RATED TO INTERRUPT A SHORT CIRCUIT ISC OF 10,000 AMPS SYMMETRICAL		

2 FINAL PANEL SCHEDULE
SCALE: NOT TO SCALE

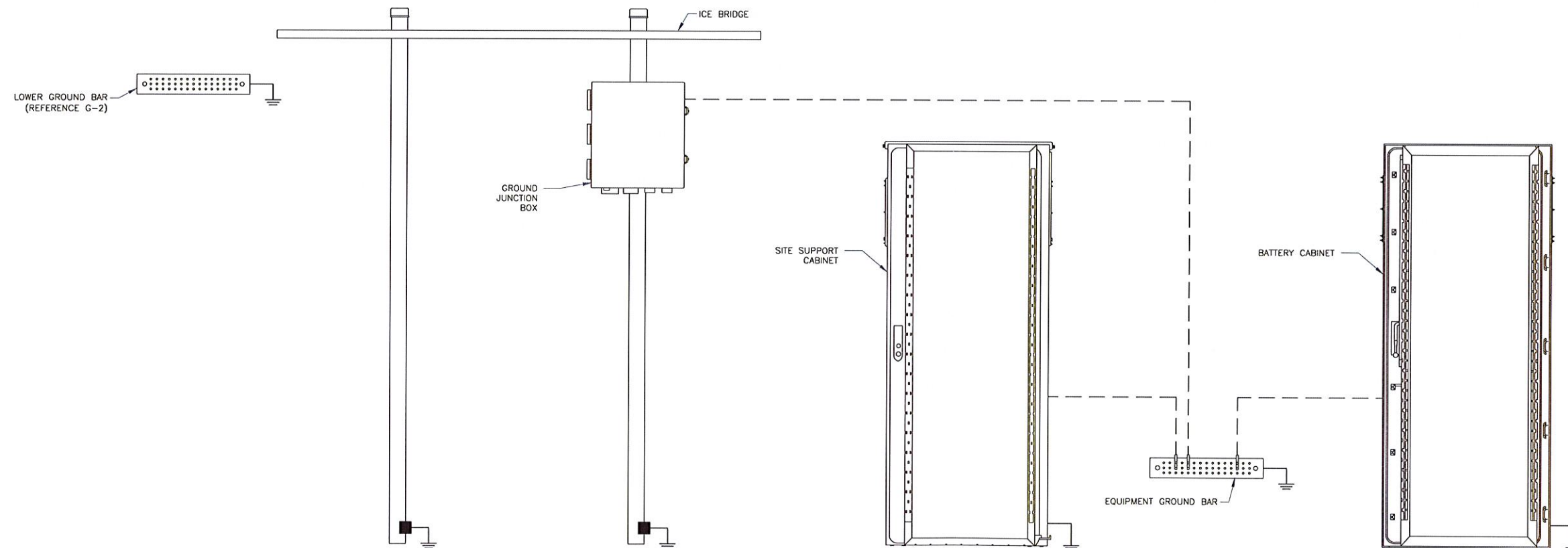


3 ONE-LINE DIAGRAM
SCALE: NOT TO SCALE



ANTENNA LEVEL

GROUND LEVEL



GROUNDING PLAN LEGEND:

- #6 STRANDED COPPER WITH GREEN INSULATION GROUND WIRE
- #2 STRANDED COPPER WITH GREEN INSULATION GROUND WIRE
- #2 BARE, SOLID, TINNED COPPER GROUND WIRE
- EXOTHERMIC WELD
- MECHANICAL CONNECTION
- ⊙ COPPER GROUND ROD
- ⊗ GROUND ROD W/ TEST WELL

NOTE:

SEE FINAL EQUIPMENT PLAN FOR NEW EQUIPMENT REQUIRING GROUNDING. CONTRACTOR TO VERIFY EXISTING EQUIPMENT GROUNDING IN FIELD. CONTRACTOR TO VERIFY IN FIELD AND INSTALL ANY MISSING ##### GROUND BARS ON SITE.

T-Mobile

312 ELM STREET, 10TH FLOOR
CINCINNATI, OH 45202

CROWN CASTLE

1500 CORPORATE DRIVE
CANONSBURG, PA 15317

B+T GRP

1717 S. BOULDER
SUITE 300
TULSA, OK 74119
PH: (918) 587-4630
www.btgrp.com

T-MOBILE SITE NUMBER:
OK01296F

BU #: 822901
CAMDEN

6706 NORTH PENNSYLVANIA AVE.
NICHOLS HILLS, OK, 73159

EXISTING 70'-0"
MONOPOLE

ISSUED FOR:				
REV	DATE	DRWN	DESCRIPTION	DES./QA
0	8/16/22	MEH	CONSTRUCTION	LR
1	8/18/22	YX	CONSTRUCTION	LR

B&T ENGINEERING, INC.
CA 3590 (PE)
Expires 6/30/24

IT IS A VIOLATION OF LAW FOR ANY PERSON, UNLESS THEY ARE ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER, TO ALTER THIS DOCUMENT.

SHEET NUMBER:	REVISION:
G-1	1

1 TYPICAL FINAL GROUNDING SCHEMATIC
SCALE: NOT TO SCALE



Diagram illustrating the connection of an antenna cable to a ground bar. The diagram shows a cross-section of the antenna cable being connected to a ground bar. The connection is made using a weatherproofing kit, antenna cable, #6 AWG stranded copper ground wire (grounded to ground bar), cable ground kit, and cable connector. The distance from the antenna cable to the ground bar is typically 12" to 24", with a maximum of 120". The diameter of the antenna cable is 2 1/2" max.

- NOTES:
1. DO NOT INSTALL CABLE GROUND KIT AT A BEND AND ALWAYS DIRECT GROUND WIRE DOWN TO GROUND BAR.
 2. GROUNDING KIT SHALL BE TYPE AND PART NUMBER AS SUPPLIED OR RECOMMENDED BY CABLE MANUFACTURER.
 3. WEATHER PROOFING SHALL BE TWO-PART TAPE KIT, COLD SHRINK SHALL NOT BE USED.

TO ANTENNAS

RX2

TX1/RX1

COAX JUMPER (TYP.)

CONNECTOR

WEATHERPROOFING KIT (TYP. SEE NOTE 2)

WEATHERPROOFING KIT (TYP.)

GROUND KIT (TYP.)

#6 AWG

COPPER/GALVANIZED COAX GROUND BAR BONDED DIRECTLY TOWER

ANTENNA CABLE TO BTS EQUIPMENT (TYP.)

- NOTES:
1. DO NOT INSTALL CABLE GROUND KIT AT A BEND AND ALWAYS DIRECT GROUND WIRE DOWN TO ANTENNA GROUND BAR.
 2. WEATHER PROOFING SHALL BE TWO-PART TAPE KIT. COLD SHRINK SHALL NOT BE USED.

3/8-11x1" TAMPER RESISTANT BOLT (TYP)

INSULATORS SEE NOTE 2. (TYP)

WALL BRACKET (TYP)

LOCK WASHER P/N M10 (TYP)

UNIVERSAL COPPER GROUND BAR (4"x20")

TWO-HOLE COMPRESSION LUG

- NOTES:
1. DOWN LEAD (HOME RUN) CONDUCTORS ARE NOT TO BE INSTALLED ON CROWN CASTLE USA INC. TOWER, PER THE GROUNDING DOWN CONDUCTOR POLICY QAS-STD-10091. NO MODIFICATION OR DRILLING TO TOWER STEEL IS ALLOWED IN ANY FORM OR FASHION, CAD-WELDING ON THE TOWER AND/OR IN THE AIR ARE NOT PERMITTED.
 2. OMIT INSULATOR WHEN MOUNTING TO TOWER STEEL OR PLATFORM STEEL USE INSULATORS WHEN ATTACHING TO BUILDING OR SHELTERS.

NOTE: MINIMUM OF 3 THREADS TO BE VISIBLE (TYP)

2 HOLE LONG BARREL TINNED SOLID COPPER LUG (TYP)

TIN COATED SOLID COPPER BUS BAR

CHERRY INSULATOR INSTALLED IF REQUIRED

S/S NUT (TYP)

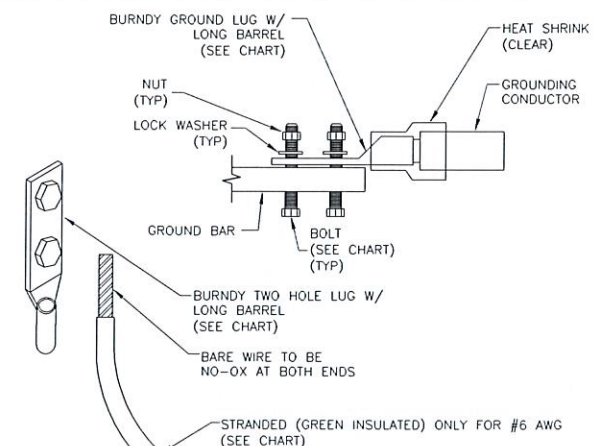
S/S SPLIT WASHER (TYP)

S/S FLAT WASHER (TYP)

S/S FLAT WASHER (TYP)

S/S BOLT (TYP)

- | WIRE SIZE | BURNDY LUG | BOLT SIZE |
|------------------------|------------|-----------------------|
| #6 AWG GREEN INSULATED | YA6C-2TC38 | 3/8" - 16 NC S 2 BOLT |
| #2 AWG SOLID TINNED | YA3C-2TC38 | 3/8" - 16 NC S 2 BOLT |
| #2 AWG STRANDED | YA2C-2TC38 | 3/8" - 16 NC S 2 BOLT |
| #2/0 AWG STRANDED | YA26-2TC38 | 3/8" - 16 NC S 2 BOLT |
| #4/0 AWG STRANDED | YA28-2N | 1/2" - 16 NC S 2 BOLT |



- NOTES:
1. ALL GROUNDING LUGS ARE TO BE INSTALLED PER MANUFACTURER'S SPECIFICATIONS. ALL HARDWARE BOLTS, NUTS, LOCK WASHERS SHALL BE STAINLESS STEEL. ALL HARDWARE ARE TO BE AS FOLLOWS: BOLT, FLAT WASHER, GROUND BAR, GROUND LUG, FLAT WASHER AND NUT.

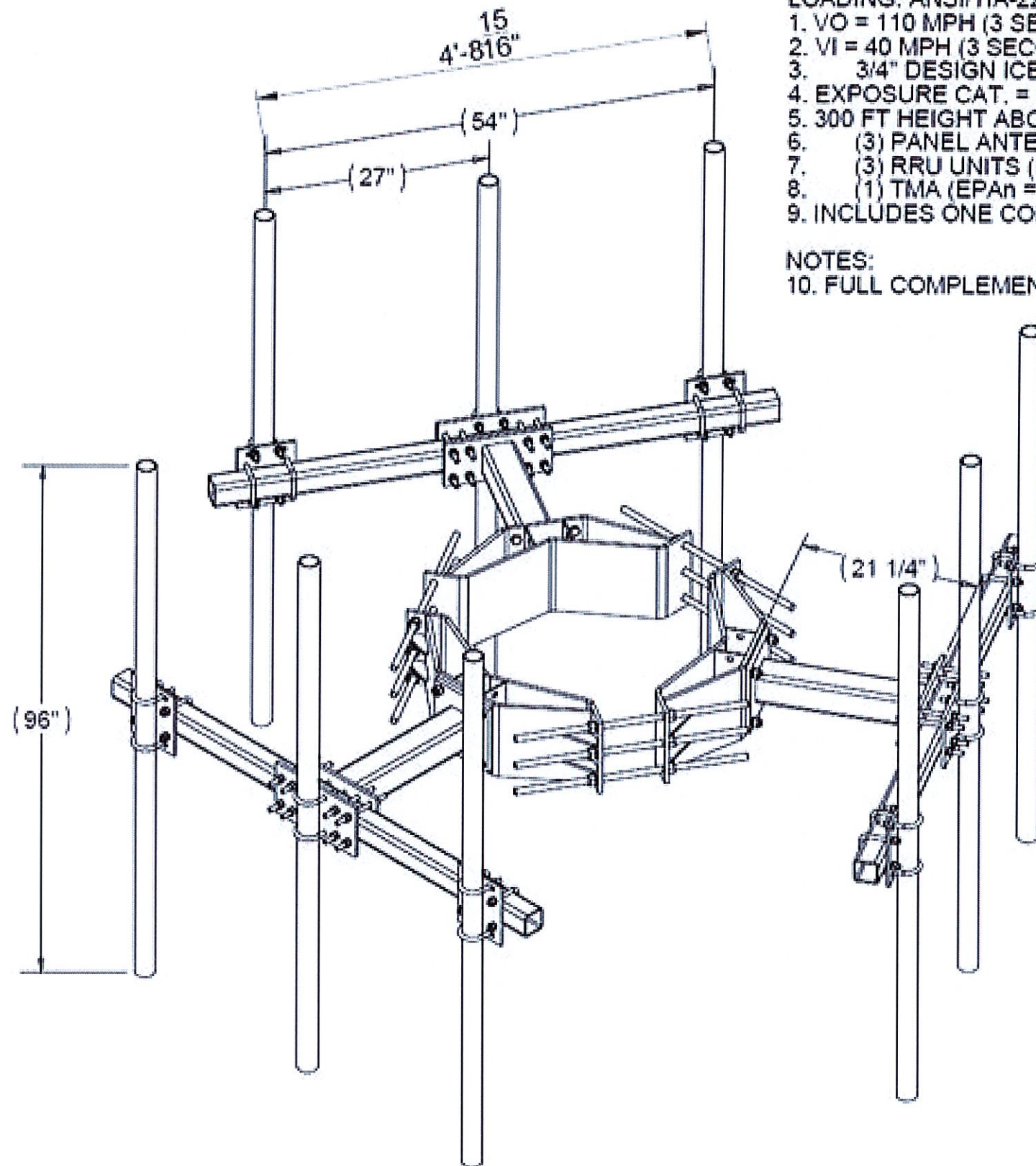
#6 AWG MIN. FROM ANTENNA CABLE GROUND KIT

GROUND BAR ON SHELTER, ICE BRIDGE, OR ON ANTENNA TOWER

*TWO HOLE LUG, OR EXOTHERMIC WELD TO BE USED WITH #2 AWG BARE CONDUCTOR WIRE TO BUILDING SERVICE GROUND OR GROUND RING

The diagram shows a cross-section of a ground bar with two rows of six hexagonal terminals each. Wires from an antenna cable ground kit are connected to these terminals. A separate #2 AWG bare conductor wire is connected to the ground bar via a two-hole lug or exothermic weld. The ground bar is mounted on a shelter, ice bridge, or antenna tower.

1



LOADING: ANSI/TIA-222-G

1. VO = 110 MPH (3 SECOND) BASIC WIND SPEED WITHOUT ICE
2. VI = 40 MPH (3 SECOND) BASIC WIND LOAD SPEED WITH ICE
3. 3/4" DESIGN ICE THICKNESS
4. EXPOSURE CAT. = C. STRUCTURE CLASS = II
5. 300 FT HEIGHT ABOVE GROUND ELEVATION OF MOUNT
6. (3) PANEL ANTENNA'S (EPAn = 9.25 SQFT., EPAs = 3.1 SQFT., 70 LBS EACH)
7. (3) RRU UNITS (EPAn = 2.3 SQ FT., EPAs = 1.2 SQFT., 65 LBS EACH)
8. (1) TMA (EPAn = 1.2 SQFT., EPAs = 0.6 SQFT., 25LBS)
9. INCLUDES ONE CONCENTRATED FORCE OF 250LBS

NOTES:

10. FULL COMPLEMENT OF PIPES SHOWN

SADDLE BRACKET PART NUMBERS:

1. 2121LD-1130 11" TO 30" LD SADDLE BRACKET
2. 2121LD-2447 24" TO 47" LD SADDLE BRACKET
3. 2121LD-4460 44" TO 60" LD SADDLE BRACKET

ITEM NO.	QTY.	PART NO.	DESCRIPTION
1	1	2121LD-XXXX	LD SADDLE BRACKET
2	3	2122S-5	5' MONOPOLE SQ. TUBE T-ARM
3	9	2125-96	2-3/8" OD X96" GALV PIPE

THE INFORMATION CONTAINED IN THIS DRAWING IS THE SOLE PROPERTY OF ALT. ANY REPRODUCTION IN PART OR WHOLE WITHOUT THE WRITTEN PERMISSION OF ALT IS PROHIBITED 10/31/2014 FINISH NONE WEIGHT N/A	CAD GENERATED DRAWING. DO NOT MANUALLY UPDATE		800-650-7960 FAX 940-455-2817 www.altfabrication.com sales@altfabrication.com	122 Leesley Lane Argyle, Texas 76226
	APPROVALS	DATE	TITLE	
	DRAWN	TU 06/09/14	2122S-5 WITH 2121LD	
	CHECKED			
	DESIGNED		DWG. NO.	
			2122S-5-XXXX-996	
			SCALE: NTS	DO NOT SCALE DRAWING
			SHEET 1 OF 1	
				REV. A

Patrick N. Hill
1820 DEVONSHIRE BOULEVARD
NICHOLS HILLS, OKLAHOMA 73116
405-848-0282

VIA HAND DELIVERY

November 30, 2022

Amanda Copeland
City Clerk
City of Nichols Hills
6407 Avondale Drive
Nichols Hills, OK 73116

RE: Special Permit – Existing monopole tower located at 6706 North Pennsylvania Avenue

Members of Planning Commission and City Council,

Barbara and I reside at 1820 Devonshire Boulevard, near the referenced monopole tower. We strongly object to the installation of additional antennas or equipment to the tower. In its current location and configuration, the monopole is an eyesore and detriment to the city park within which it is located. Hanging more antennas and equipment on this pole would make an unfortunate situation worse and not be in the best interest of our community.

We respectfully request that the City of Nichols Hills not approve the Crown Castle USA, Inc. Application and deny the requested special permit to replace and/or add new antennas and other equipment to the referenced monopole.

Thank you for your consideration of our concerns.

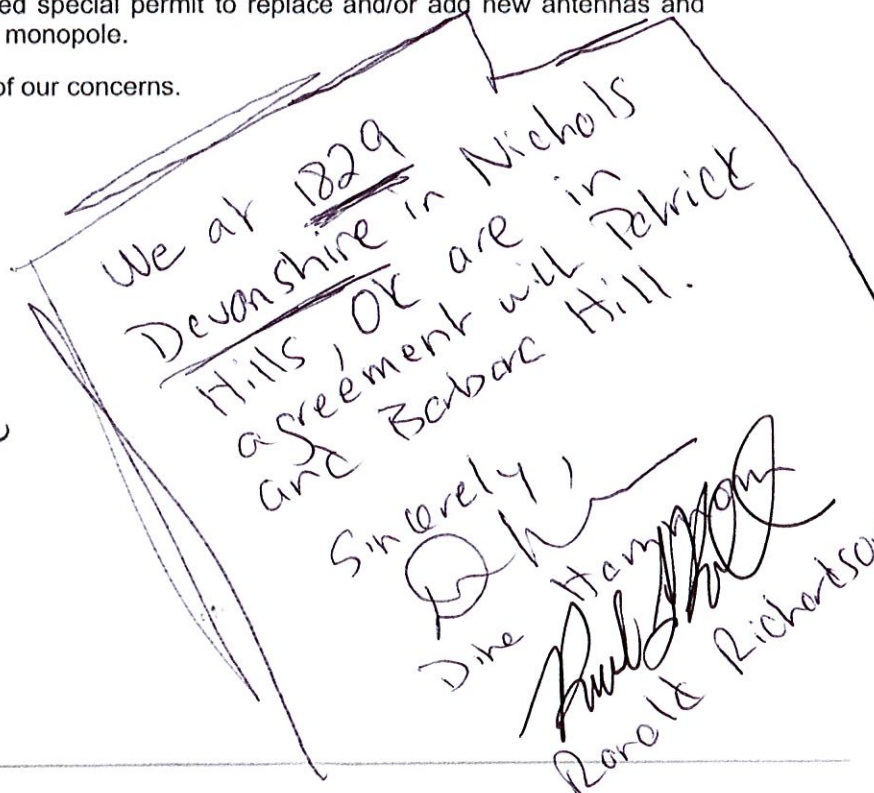
Sincerely,



Patrick N. Hill



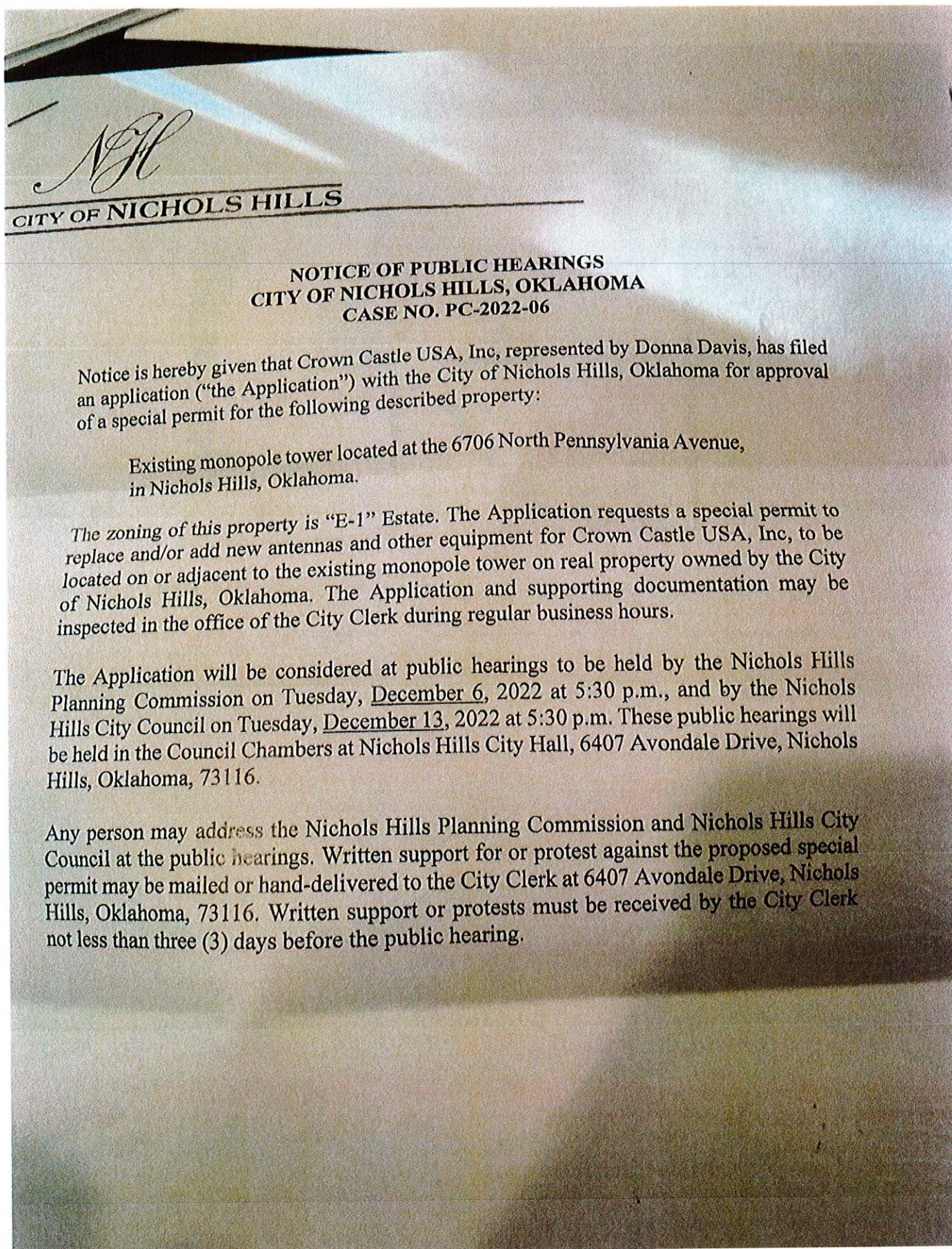
Barbara D. Hill



We at 1829
Devonshire in Nichols
Hills, OK are in
agreement with Patrick
and Barbara Hill.

Sincerely,
Dore Richardson
Dore Richardson

Attachment: PC Letters 12 6 22 (6303 : Crown Castle - Special Permit Application)



William Lambert
1824 DEVONSHIRE BOULEVARD
NICHOLS HILLS, OKLAHOMA 73116
314-803-1580

December 1, 2022

Amanda Copeland
City Clerk
City of Nichols Hills
6407 Avondale Drive
Nichols Hills, OK 73116

RE: Case Number PC-2022-06: Special Permit – Existing monopole tower located at 6706
North Pennsylvania Avenue

Members of the Nichols Hills Planning Commission and Nichols Hills City Council,

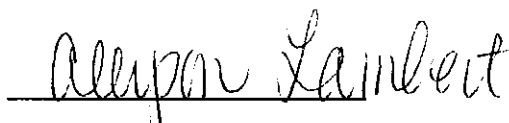
Allyson and I reside at 1824 Devonshire Boulevard, diagonally across Pennsylvania Avenue from the referenced monopole tower. We wanted to formally register our strong objection to the proposed installation of additional antennas or equipment to the tower. In its current location and configuration, the monopole is a blemish to the community and a significant detriment to the city park. The addition of antennas and equipment on this pole would further adversely impact property values and the stature of the neighborhood.

We respectfully request that the City of Nichols Hills not approve the Crown Castle USA, Inc. Application and deny the requested special permit to replace and/or add new antennas and other equipment to the referenced monopole. We are unfortunately unable to attend the council meeting due to a pre-existing conflict, but please know that we strongly oppose the application, and our lack of in-person presence on Tuesday December 6th is in no way representative of the gravity of our concerns.

Thank you for your consideration,



William Lambert



Allyson Lambert

Patrick N. Hill
1820 DEVONSHIRE BOULEVARD
NICHOLS HILLS, OKLAHOMA 73116
405-848-0282

VIA HAND DELIVERY

November 30, 2022

Amanda Copeland
City Clerk
City of Nichols Hills
6407 Avondale Drive
Nichols Hills, OK 73116

RE: Special Permit – Existing monopole tower located at 6706 North Pennsylvania Avenue

Members of Planning Commission and City Council,

Barbara and I reside at 1820 Devonshire Boulevard, near the referenced monopole tower. We strongly object to the installation of additional antennas or equipment to the tower. In its current location and configuration, the monopole is an eyesore and detriment to the city park within which it is located. Hanging more antennas and equipment on this pole would make an unfortunate situation worse and not be in the best interest of our community.

We respectfully request that the City of Nichols Hills not approve the Crown Castle USA, Inc. Application and deny the requested special permit to replace and/or add new antennas and other equipment to the referenced monopole.

Thank you for your consideration of our concerns.

Sincerely,



Patrick N. Hill



Barbara D. Hill



VIEW OF MONOPOLE FROM OUR FRONT YARD.

December 22, 2022

City of Nichols Hills
Planning & Zoning Department
6407 Avondale Drive
Nichols Hills, OK 73116

Attn: Mr. Shane Pate, City Manager

RE: NW Grand Blvd. Residential Lot: Rezoning Request

Mr. Pate:

Pursuant to City requirements, we respectfully submit a Rezoning application for property located along NW Grand Blvd., south of Huntington Ave. This application seeks to rezone the subject property from conventionally zoned, E-2, Urban Estate to R-1-75, Single Family Residential. The purpose for this request is two-fold, to allow for a shallower front yard setback and to increase the size of homes permitted on the property. It should be noted that as part of this application, the owner agrees to a condition that the density cannot exceed that of what is permitted today which is three total homes. While the proposed base zoning allows for a smaller lot size, these lots under the proposed zoning will not decrease beyond their current size. Allowing for a forty (40') front yard setbacks and increase lot coverage permitted in the R-1-75 zoning district affords the owner the ability to maximize this unique property. Given the geometry of the road and the lot configurations, meeting the existing setbacks and lot coverage prevents a market-sized home from being constructed on the subject site. Additionally, the homes to be built will be similar in character to the surrounding neighbors and will fill in the gap of homes that have existed for period of time.

To summarize the request, our client seeks a rezoning to the R-1-75 Single Family Residential district to allow for three market sized homes to be constructed. This zoning district would allow for the owners to seek:

- A Forty-foot front yard setback
- A high lot coverage percentage

In approval of this application, our client agrees:

- To maintain the three-home density that is permitted today

Please find attached the following documents for the above referenced project:

- Rezoning Application
- Letter of Authorization
- Property Deeds
- Legal Description
- 300-foot Radius Ownership List
- Rezoning Exhibit
- Filing Fee: \$750

Mr. Shane Pate, City of Nichols Hills
NW Grand Blvd. Residential Lot: Rezoning Request
December 22, 2022
Page 2

Please review the following information for its completeness and place this application on the Planning Commission docket for **January 3, 2023**. Should you have any questions or comments, please feel free to contact this office.

Respectfully Submitted,



Timothy W. Johnson, P.E., President
JOHNSON & ASSOCIATES

cc: Mark W. Zitzow, AICP Johnson & Associates
[5124 000/ZON]



CITY OF NICHOLS HILLS, OKLAHOMA

Application for the Rezoning of Property

Staff use only

Case # _____

Date filed _____

Fee receipt # _____

Completed applications and the required fee should be submitted to the Nichols Hills City Clerk, 6407 Avondale Drive, Nichols Hills, Oklahoma 73116.

Applicant is encouraged to consult Sec. 50-265 of the Nichols Hills City Code ("the Code") when completing this Application. For Planned Unit Development (PUD) applications, applicant is encouraged to consult Sec. 50-105 of the Code.

This Application requires recommendation for approval by the Nichols Hills Planning Commission and approval of the Nichols Hills City Council.

Attach a separate sheet to provide complete answers if necessary.

Applicant's name: Johnson & Associates on Behalf of NH Block 44, LLC

Mailing address: 1 E Sheridan Ave., Suite 200 Oklahoma City, OK 73104

Telephone number(s): (405) 235-8075

Email address(es): mzitzow@jaokc.com

Address or general location of property proposed for rezoning [if metes and bounds, please attach]:

Northwest of Bedford Dr. & NW Grand Blvd. (legal description attached)

Current zoning classification of the property: E-2, Urban Estate

Requested zoning classification for the property: R-1-75 Single Family Residential

Present use of the property: Undeveloped

Reason rezoning is requested: To allow for a shallower front yard setback which will allow for larger homes to be constructed on the site.

The following must be attached to this Application:

1. **Proof of authority.** Proof of applicant's authority to make this Application by attaching a copy of the applicable deed evidencing applicant's ownership or an affidavit regarding ownership (a form for which is attached to this Application).
2. **Ownership list.** Report certified by a bonded abstractor stating the names and mailing addresses for the owner(s) of record whose property is within a 300-foot radius of the exterior boundary of the subject property.
3. **Site map.** Detailed site map (and an electronic copy of such map) drawn to scale showing the dimensions of the subject property; any existing and proposed buildings (including dimensions, distances from property lines, and proposed uses); any existing and proposed parking spaces (including location, layout, and dimensions); means of ingress and egress in relation to adjacent streets (including street names and right-of-way widths); location and size of all existing utility easements; and any other relevant information.
4. **PUDs.** For PUD applications, a PUD design statement and master development plan map in compliance with Sec. 50-105 of the Code.

This Application will be considered officially submitted and filed only after it is examined by the City Clerk and found to have met the applicable requirements of the Code and those set out in this Application and after the fee of \$750 as required by the Code has been paid. At that time, the City Clerk will set the Application for hearing before the Nichols Hills Planning Commission and the Nichols Hills City Council. Applicant will be advised of the date and time for those hearings. It is highly recommended that applicant attend (or have a representative attend) the hearings and be prepared to answer questions.

The above statements in this Application and all attachments to it are true and correct.

Submitted and agreed to this 22 day of December 2022.

Signature: _____



Print applicant's full legal name: Mark William Zitzow

Print signatory party's title if applicant is a legal entity: _____

Form of affidavit regarding ownershipAffidavitSTATE OF OKLAHOMACOUNTY OF OKLAHOMA

NH Block 44, LLC, being first duly sworn, stated:

1. The entity name is *NH Block, LLC*. The entity address is **101 N Robinson Ave., Unit 900**. I am over the age of 18. I am a resident of the State of *Oklahoma*. I have personal knowledge of the matters stated in this Affidavit.

2. I am the current and legal owner of the property in the City of Nichols Hills more particularly described as:

See Attached Legal Description

3. I am the applicant for the rezoning of such property pursuant to the Nichols Hills City Code.

4. This address and legal description accurately describe the property for which rezoning is requested.

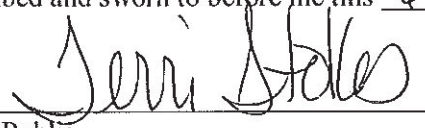
I declare to the best of my knowledge and belief that the information in this Affidavit is true, correct, and complete.

Executed this 6 day of December, 2022.


Chris Candelaria
NH Block 44, LLC

Notary Acknowledgment

Subscribed and sworn to before me this 6th day of December, 2022


Notary Public

My Commission Expires: 3/31/25
Comm. No. 21004447



**NH Block 44, LLC
101 N Robinson Ave., Unit 900
Oklahoma City, OK 73102
PH: (000) 000-0000**

December 6, 2022

City of Nichols Hills
Planning & Zoning Department
6407 Avondale Drive
Nichols Hills, OK 73116

Attn: Mr. Shane Pate, City Manager

RE: Letter of Authorization for Submittal to the City

Dear Mr. Pate:

As owner/representative of the subject property, I hereby authorize Johnson & Associates to act as agents on our behalf in the submittal and processing of this Rezoning application and all subsequent applications to the City of Nichols Hills. If you have any questions or comments, please feel free to contact me at the number listed above.

Respectfully Submitted,

Chris Candalaria



cc: Mark W. Ziltzow, AICP, Johnson & Associates
File: 5124 000 / ZON

2

When Recorded Return to:

COMBINED
SPECIAL WARRANTY AND QUITCLAIM DEED

KNOW ALL MEN BY THESE PRESENTS:

THAT **NH BLOCK 44 LLC** (aka NH Block 44, LLC), an Oklahoma limited liability company ("**Grantor**"), in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration to it in hand paid, the receipt and sufficiency of which consideration are hereby acknowledged, does hereby grant, bargain, sell, and convey, unto **KAREN HULSEY SAMIS, TRUSTEE OF THE KAREN HULSEY SAMIS TRUST, u/t/a 07/24/2007** ("**Grantee**"), whose address is 1500 Huntington Avenue, Nichols Hills, OK 73116, the following:

- (1) the real property more particularly described and depicted on **Exhibit A** attached as a part hereof (the "**Land**"); and
- (2) any and all buildings, walls, landscaping, and other improvements located on the Land (collectively, the "**Improvements**"); and
- (3) all right, title and interest of Grantor in and to all streets, alleys, easements, and rights-of-way in, on, across, in front of, abutting, adjoining, or otherwise benefitting the Land (collectively the "**Appurtenances**"),

BUT EXCEPTING, EXCLUDING, AND RESERVING TO GRANTOR, Grantor's right, title, or interest, if any, in and to all minerals and similar substances, including but not limited to ores, metals, coal, lignite, oil, gas, sulfur, and uranium, located in, on, or under the Land or that may be produced from the Land (collectively, "**Minerals**"), together with any rights, privileges, immunities, rights of way, and easements associated therewith or appurtenant thereto (the "**Mineral Rights**"); provided, however, Grantor waives and releases any and all rights to use the surface of the Land to conduct any activities which in any manner relate to the exploration, mining, production, processing, gathering, or storing of any Minerals. All of the property being conveyed hereby is collectively called the "**Property**."

This Special Warranty Deed is made and accepted expressly subject to those encumbrances and exceptions (hereinafter collectively the "**Permitted Exceptions**") set forth on **Exhibit B** attached as a part hereof, to the extent and only to the extent valid and enforceable against the Property, and the reservation of the Mineral Rights.

TO HAVE AND TO HOLD the Property, as aforesaid, unto Grantee, its successors and assigns, forever, and Grantor does hereby bind itself, its successors and assigns, to WARRANT AND FOREVER DEFEND all and singular the Property, subject to the Permitted Exceptions and the reservation of Mineral Rights, unto Grantee, its successors and assigns, against every person

whomsoever lawfully claiming or to claim the same, or any part thereof, by, through, or under Grantor, but not otherwise.

Grantee, by its acceptance hereof, expressly acknowledges that Grantee is taking the Property "AS IS, WHERE IS" and with all faults.

Grantee, by its acceptance hereof, does hereby assume and agree to pay any and all ad valorem taxes and special assessments pertaining to the Property for calendar year 2022 and subsequent years, there having been a proper proration of ad valorem taxes for the current calendar year between Grantor and Grantee.

Quitclaim Deed as to Certain Matters

Grantor does hereby quitclaim, grant, bargain, sell and convey unto Grantee any right, title, or interest Grantor in and to the rock wall and other improvements located outside the boundaries of the Land and within the right-of-way of Grand Boulevard abutting the Land, which wall and improvements have been historically used in conjunction with improvements on the Land.

Covenants Required by the City of Nichols Hills, Oklahoma

The Land is part of a larger tract owned by Grantor. Grantee owns certain real property (the "**Samis Building Site**") abutting the Northwestern boundary of the Land (along the boundary of the Land with a bearing of N 29°03'09" E and a distance of 50.00 feet). The Samis Building Site is more particularly described on **Exhibit C** attached as a part hereof. This conveyance effects a lot line adjustment between Grantor's retained tract and the Samis Building Site. Grantor and Grantee were required to obtain the approval of the City of Nichols Hills (the "**City**") for the Lot Line Adjustment effected by this Deed. As a condition of such approval, the City required that Grantee agree to the covenants below.

Therefore, by its acceptance and recording of this Deed, Grantee agrees as follows:

- (a) Grantee may not sell, transfer, convey, or mortgage the Land separate and apart from the remainder of the Samis Building Site, and any attempt to do so will be void.
- (b) The foregoing covenants will run with title to the Samis Building Site and will be binding on all parties having or acquiring any right, title, or interest in the Samis Building Site.
- (c) The foregoing covenants will be for and inure to the benefit of the City of Nichols Hills, which will have the right and standing to enforce the terms of such covenants.

The lot line adjustment effected by this Deed was administratively approved by the City Manager of the City. Evidence of such approval is attached as **Exhibit D** to this Deed.

[Grantor's execution appears on following page]

SIGNATURE PAGE
TO
COMBINED SPECIAL WARRANTY AND QUITCLAIM DEED

IN WITNESS WHEREOF, this Combined Special Warranty and Quitclaim Deed has been executed by the Grantor as of the date set forth in its acknowledgment set forth below to be effective as of the date of delivery to the Grantee.

“Grantor”: NH BLOCK 44 LLC, an Oklahoma limited liability company

By: William R. Oliver

Name: William R. Oliver
Title: Manager

STATE OF OKLAHOMA)
) ss.
COUNTY OF OKLAHOMA)

The foregoing instrument was acknowledged before me on Jan 18th, 2022, by William R. Oliver, as Manager of NH Block 44 LLC, an Oklahoma limited liability company.

[Signature]
Notary Public

My Commission No. 18011464

My Commission Expires. 11/13/22

[Seal]

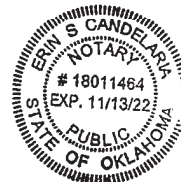


EXHIBIT A

Legal Description and Depiction of the Land

[See attached document consisting of 2 pages]

UNOFFICIAL

EXHIBIT A
LEGAL DESCRIPTION OF THE LAND

Nichols Hills
A Part of Lot 4 Block 44
December 29, 2021

A tract of land being a part of the South Half (S/2) of Section Five (5), Township Twelve (12) North, Range Three (3) West of the Indian Meridian, Nichols Hills, Oklahoma County, Oklahoma, being a portion of Lot Four (4) Block Forty-four (44) as shown on the recorded plat NICHOLS HILLS, being more particularly described as follows:

Commencing at the Northernmost corner of said Lot 4

THENCE along and with the Northeasterly line of said Lot 4 on a curve to the left, having a radius of 1,072.00 feet, a chord bearing of South $41^{\circ}37'51''$ East, a chord length of 41.71 feet and an arc length of 41.72 feet to the Easternmost corner of a tract of land recorded in Book 11969, Page 855, said point being the POINT OF BEGINNING;

THENCE continuing along and with the Northeasterly line of said Lot 4 on said curve to the left, having a radius of 1,072.00 feet, a chord bearing of South $43^{\circ}31'12''$ East, a chord length of 28.97 feet and an arc length of 28.97 feet;

THENCE South $39^{\circ}22'41''$ West, departing said Northeasterly line, a distance of 34.90 feet;

THENCE North $79^{\circ}02'26''$ West, a distance of 22.50 feet to a corner on the Southeasterly line of said tract of land recorded in Book 11969, Page 855;

THENCE North $29^{\circ}03'09''$ East, along and with the Southeasterly line of said tract of land recorded in Book 11969, Page 855, a distance of 50.00 feet to the POINT OF BEGINNING.

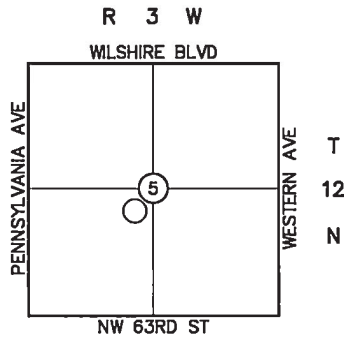
Containing 1,035 square feet or 0.0238 acres, more or less.

Basis of Bearing: Grid North as established by state plane datum (Oklahoma State Plane North Zone NAD83)

Exhibit

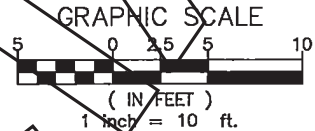
NICHOLS HILLS ADDITION

PART OF LOT 4, BLOCK 44



Location Map
SCALE: 1"=4000'

GRAND BLVD.



STONE WALL

EDGE OF
ARTIFICIAL TURF

P.O.B.

$L=28.97'$, $R=1072.00'$
 $\Delta=1^{\circ}32'47''$
Chd D=28.97
Chd B=S43°31'12"E

WARRANTY DEED
BK. 11969, PG 855

STONE WALL

0.7'

N29°03'09"E
50.00'

34.90'
S39°22'41"W

22.50'
N79°02'26"W

NICHOLS HILLS ADDITION
BK. 22 PLATS, PG. 44

LOT 4 BLOCK 44

DURHAM SURVEYING, INC.

1800 SOUTH SARA ROAD

YUKON, OKLAHOMA 73099

Ph. (405) 265-3404 Fax (405) 265-0649

CERTIFICATE OF AUTHORIZATION NO. 5313, EXP. DATE 06/30/2022

1/18/2022

EXHIBIT B**Permitted Exceptions**

1. Easements, or claims of easements, visible on the Land or not shown by the public records.
2. Encroachments, overlaps, boundary line disputes, or other matters which would be disclosed by an accurate survey and inspection of the Property.
3. Taxes or special assessments which are not shown as existing liens by the public records.
4. Minerals of whatsoever kind, subsurface and surface substances, including but not limited to coal, lignite, oil, gas, uranium, clay, rock, sand and gravel in, on, under and that may be produced from the Land, together with all rights, privileges, and immunities relating thereto, whether or not appearing in the public records. The Grantor makes no representation as to the present ownership of any such interests. There may be leases, grants, exceptions or reservations of such interests.
5. Taxes for the year 2022 and subsequent years, the amounts of which are not ascertainable, due or payable.
6. Statutory Section Line Road Easements in favor of the State of Oklahoma, where applicable.
7. Owner's Certificate, Dedication, Restrictions and Plat of Nichols Hills recorded at Book 22 of Plats, Page 44, Surveyor's Certificate recorded at Book 173, Page 29; Correction Owner's Certificate, Dedication, and Plat recorded at Book 173, Page 30.
8. Building setback lines, easements for drainage and public utilities pursuant the recorded Plat.
9. Rules, regulations and/or ordinances relating to airports.
10. Memorandum of Water Gathering, Treatment, and Disposal Agreement recoded at Book 14177, Page 1131.
11. Memorandum of Produced Water Gathering, Treatment and Disposal Agreement recorded at Book 13943, Page 1602.

EXHIBIT C**Legal Description of the Samis Building Site**

That land conveyed by Special Warranty Deed recorded in Book 10561, page 852, more particularly described as follows:

All of Lot 5, Block 44, NICHOLS HILLS, Oklahoma County, State of Oklahoma,
and

That portion of Lot 4, Block 44, NICHOLS HILLS, Oklahoma County, State of Oklahoma of said Block, more particularly described as follows:

BEGINNING at a point on the right of way line of Grand Boulevard at the point where the point where the lot line common to Lots 4 and 5, Block 44, intersects the same as the point or place of beginning;

THENCE South 38°52'00" West along the lot line common to said Lots 4 and 5, a distance of 246.0 feet to the rear Lot line of said Lot 4, Block 44;

THENCE South 53°30'00" East along the rear lot line of said Lot 4 for a distance of 25 feet to a point;

THENCE North 39°52'00" East a distance of 181.3 feet to a point;

THENCE 70°56'34" West a distance of 23.3 feet to a point;

THENCE North 39°52'00" East a distance of 72.0 feet to the front Lot line of said Lot 4, Block 44;

THENCE along the right of way line of Grand Boulevard as shown on the said plat of NICHOLS HILLS on the arc of a curve to the right whose central angle is 22°16' and whose radius is 1040.0 feet a distance of 2 feet more or less to the point or place of beginning.

and

That land conveyed by Warranty Deed recorded in Book 11969, Page 855, more particularly described as follows:

A tract of land lying in the Southeast Quarter (SE/4) of Section Five (5), Township Twelve (12) North, Range Three (3) West of the Indian Meridian, Oklahoma County, Oklahoma and being a part of Lot Four (4), Block Forty-four (44) to Nichols Hills, an Addition to Oklahoma County, Oklahoma, and being more particularly described as follows:

COMMENCING at the Northwest Corner of said Lot 4;

THENCE South 38°52'00" West along the West line of Lot 4 for a distance of 246.00 feet to the rear lot line of said Lot 4;

THENCE South 53°30'00" East along the rear lot line of said Lot 4 for a distance of 25.00 feet to the Point of Beginning;

THENCE North 39°08'40" East (Field) (North 39°52'00" East-Deed) a distance of 180.40 feet (Field) (181.30 feet-Deed);

THENCE North 65°01'04" West (Field) (North 70°56'34" West-Deed) a distance of 22.07 feet (Field) (23.30 feet-Deed);

THENCE North 39°50'54" East (Field) (North 39°52'00" East-Deed) a distance of 70.76 feet (Field) (72.20 feet-Deed) to the North line of said Lot 4 and the South Right of Way of Grand Boulevard and a point on a curve to the left having a Central Angle of 2°07'22", a radius of 1072.00 feet, a chord bearing of South 41°41'04" East, a Chord length of 39.72 feet;

THENCE along the arc of said curve a distance of 39.72 feet;

THENCE South 29°03'09" West a distance of 50.00 feet;

THENCE South 45°42'06" West a distance of 93.23 feet;

THENCE South 59°34'16" West a distance of 34.58 feet;

THENCE South 43°17'21" West a distance of 65.34 feet to the POINT OF BEGINNING.

EXHIBIT D**City Approval of the Lot Line Adjustment**

The Lot Line Adjustment effected by the foregoing Deed was approved on the 18th day of January, 2022, by S. Shane Pate, II, City Manager of the City of Nichols Hills, Oklahoma, pursuant to the Nichols Hills Subdivision Regulations as adopted by the Nichols Hills City Code.

By: 

Printed name: S. Shane Pate, II

Title: City Manager

2021110501193690 B: 14957 P: 280
 11/05/2021 11:34:40 AM Pgs: 2
 Fee: \$20.00 Doc Stamp: \$5250.00
 David B. Hooten, County Clerk
 Oklahoma County - State of Oklahoma



WARRANTY DEED

STATUTORY FORM INDIVIDUAL

Deed presented for filing by: Stewart Title of Oklahoma, Inc.
 File No.: 1393693
 Stewart Title Guaranty Company

Know All Men by These Presents:

THAT, **BG Nichols Hills, LLC**, duly organized and existing under and by virtue of the laws of the State of party/parties of the first part, in consideration of the sum of TEN and No/100 (\$10.00) and other valuable considerations in hand paid, the receipt of which is hereby acknowledged, does hereby Grant, Bargain, Sell and convey unto **NH BLOCK 44, LLC** party/parties of the second part, the following described real property and premises situate in Oklahoma County, State of Oklahoma, to wit:

See Exhibit "A" attached hereto and made a part hereof.

TAX ID No.: 169575265

Grantee's Mailing Address: 6600 NW Grand Boulevard, Nichols Hills, OK 73116

together with all the improvements thereon and the appurtenances thereunto belonging, and warrant the title to the same.

TO HAVE AND TO HOLD said described premises unto the said party/parties of the second part, his/her/their/its heirs and assigns forever, free, clear and discharged of and from all former grants, charges, taxes, judgments, mortgages and other liens and encumbrances of whatsoever nature. SUBJECT to existing zoning, easements, right-of-ways and restrictive covenants of record.

IN WITNESS WHEREOF, the said party of the first part has caused these presents to be signed in its name by its Manager this 29 day of October, 2021

BG Nichols Hills, LLC

Louise G. Bennett
 By: Louise G. Bennett, Manager

1393693

CORPORATION OR LLC ACKNOWLEDGMENT

State of Oklahoma
 County of Oklahoma

Before me, the undersigned, a Notary Public in and for said County and State on this 29th day of October, 2021, personally appeared, Louise G. Bennett, to me known to be the identical person who executed the within and foregoing instrument and acknowledged to me that same was executed as the free and voluntary act and deed of said persons for the uses and purposes therein set forth.

Given under my hand and seal the day and year last above written.

Commission Expires: 7/7/23



PUBLIC RETURN TO:
 Stewart Title of Oklahoma, Inc.
 555 N. Lincoln Blvd, Suite 100
 Oklahoma City, OK 73116

Filing Fees: \$18.00
 Doc Stamps: \$5,250.00

EXHIBIT "A"

LEGAL DESCRIPTION

Tract 1:

Lot Two (2), in Block Forty-four (44), of NICHOLS HILLS, Oklahoma County, Oklahoma, according to the recorded plat thereof.

Tract 2:

Lot Three (3), in Block Forty-four (44), of NICHOLS HILLS, Oklahoma County, Oklahoma, according to the recorded plat thereof.

Tract 3:

Lot Four (4), in Block Forty-four (44), of NICHOLS HILLS, Oklahoma County, Oklahoma, according to the recorded plat thereof; LESS AND EXCEPT: Those part of said Lot 4, Block 44, more particularly described as follows: (1) Beginning at the point on the Right-of Way of Grand Boulevard at the point where the Lot line common to Lots 4 and 5, Block 44, intersects the same as the Point or Place of Beginning; Thence South 38°52'00" West along the Lot line common to said Lots 4 and 5, a distance of 246.00 Feet to the rear Lot line of said Lot 4, Block 44; Thence South 53°30'00" East along the rear Lot line of said Lot 4 for a distance of 25.00 Feet to a point; Thence North 39°52'00" East a distance of 181.30 Feet to a point; Thence North 70°56'34" West a distance of 23.30 Feet to a point; Thence North 39°52'00" East a distance of 72.00 Feet to the front Lot line of said Lot 4, Block 44; Thence along the Right-of-Way of Grand Boulevard as shown on the said plat of NICHOLS HILLS on the arc of a curve to the right whose central angle is 22°16'00" and whose radius is 1040.00 Feet a distance of 2.00 Feet more or less to the Point or Place of Beginning; AND (2) Commencing at the Northwest Corner of Lot 4; Thence South 38°52'00" West along the West line of Lot 4 for a distance of 246.00 Feet to the rear Lot line of said Lot 4; Thence South 53°30'00" East along the rear Lot line of said Lot 4 for a distance of 25.00 Feet to the Point of Beginning; Thence North 39°08'40" East (Field) (North 39°52'00" East-Deed) a distance of 180.40 Feet (Field) (181.30 Feet-Deed); Thence North 65°01'04" West (Field) (North 70°56'34" West-Deed) a distance of 22.07 Feet (Field) (23.30 Feet-Deed); Thence North 39°50'54" East (Field) (North 39°52'00" East-Deed) a distance of 70.76 Feet (Field) (72.20 Feet-Deed) to the North line of said Lot 4 and the South Right-of-Way of Grand Boulevard and a point on a curve to the left having a central angle of 2°07'22", a radius of 1072.00 Feet; A chord bearing of South 41°41'04" East; A chord length of 39.72 Feet; Thence along the arc of said curve a distance of 39.72 Feet; Thence South 29°03'09" West a distance of 50.00 Feet; Thence South 45°42'06" West a distance of 93.23 Feet; Thence South 59°34'16" West a distance of 34.58 Feet; Thence South 43°17'21" West a distance of 65.34 Feet to the Point of Beginning.

LEGAL DESCRIPTION

Nichols Hills
 Lot 2 Block 44
 November 5, 2021

A tract of land being a part of the South Half (S/2) of Section Five (5), Township Twelve (12) North, Range Three (3) West of the Indian Meridian, Nichols Hills, Oklahoma County, Oklahoma, being a portion of Lot Two (2) Block Forty-four (44) as shown on the recorded plat NICHOLS HILLS, being more particularly described as follows:

Commencing at the Northernmost corner of Lot 4 of said Block 44;

THENCE along and with the Northeasterly line of said Lot 4 on a curve to the left, having a radius of 1,072.00 feet, a chord bearing of South 44°33'23" East, a chord length of 151.06 feet and an arc length of 151.18 feet;

THENCE South 48°48'00" East, continuing along and with the Northeasterly line of said Lot 4 and along and with the Northeasterly line of said Lot 3, a distance of 157.55 feet;

THENCE along and with the Northeasterly line of said Lots 3 and 2 on a non-tangent curve to the right having a radius of 680.00 feet, a chord bearing of South 47°54'46" East, a chord length of 58.29 feet and an arc length of 58.31 feet to the POINT OF BEGINNING;

THENCE continuing along and with the Northeasterly line of said Lot 2 on said non-tangent curve to the right having a radius of 680.00 feet, a chord bearing of South 38°14'56" East, a chord length of 170.62 feet and an arc length of 171.07 feet to the Easternmost Corner of said Lot 2

THENCE South 72°54'21" West, along and with the Southeasterly line of said Lot 2, a distance of 198.72 feet to the Southernmost corner of said Lot 2;

THENCE North 53°30'00" West, along and with the Southwesterly line of said Lot 2, a distance of 133.34 feet;

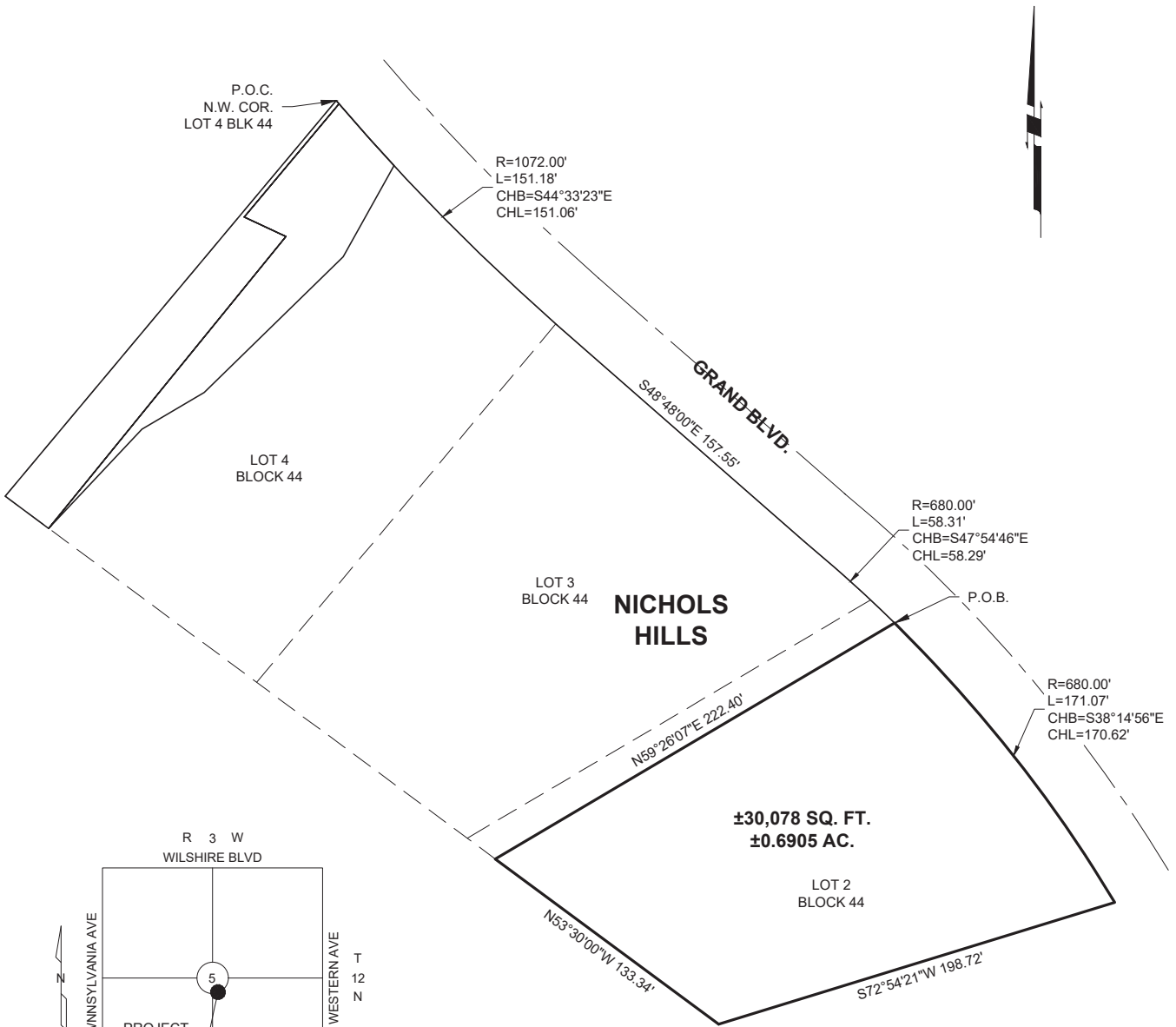
THENCE North 59°26'07" East, departing said Southwesterly line, a distance of 222.40 feet to the POINT OF BEGINNING.

Containing 30,078 square feet or 0.6905 acres, more or less.

Basis of Bearing: Grid North as established by state plane datum (Oklahoma State Plane North Zone NAD83)

S:\5124\5124-Lot 2 Block 44.docx

This legal description was prepared using the recorded plat of NICHOLS Hills and a provided survey by Coon Engineering dated 4/18/02. This legal description is not based on an actual survey of the property.



ACAD FILE: S:\Civil 3D proj\5124\5124-lot split.dwg, 12/29/2021 10:28 AM, Matt Johnson
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Date: 11-5-21
Scale: 1"=80'

NICHOLS HILLS
OKLAHOMA COUNTY, OKLAHOMA
LOT 2 BLOCK 44



Johnson & Associates
1 E. Sheridan Ave., Suite 200
Oklahoma City, OK 73104
(405) 235-8075 FAX (405) 235-8078 www.jaokc.com
Certificate of Authorization #1484 Exp. Date: 06-30-2023
• ENGINEERS • SURVEYORS • PLANNERS •

LEGAL DESCRIPTION

Nichols Hills
 Lot 3 Block 44
 November 5, 2021
 Revised December 29, 2021
 Revised January 6, 2022

A tract of land being a part of the South Half (S/2) of Section Five (5), Township Twelve (12) North, Range Three (3) West of the Indian Meridian, Nichols Hills, Oklahoma County, Oklahoma, being a portion of Lots Two (2) and Three (3) Block Forty-four (44) as shown on the recorded plat NICHOLS HILLS, being more particularly described as follows:

Commencing at the Northernmost corner of Lot 4 of said Block 44;

THENCE along and with the Northeasterly line of said Lot 4 on a curve to the left, having a radius of 1,072.00 feet, a chord bearing of South 44°33'23" East, a chord length of 151.06 feet and an arc length of 151.18 feet;

THENCE South 48°48'00" East, continuing along and with the Northeasterly line of said Lot 4 and along and with the Northeasterly line of said Lot 3, a distance of 49.51 feet to the POINT OF BEGINNING;

THENCE continuing South 48°48'00" East, along and with the Northeasterly line of said Lot 3, a distance of 108.04 feet;

THENCE continuing along and with the Northeasterly line of said Lot 3 and along and with the Northeasterly line of said Lot 2 on a non-tangent curve to the right having a radius of 680.00 feet, a chord bearing of South 47°54'46" East, a chord length of 58.29 feet and an arc length of 58.31 feet;

THENCE South 59°26'07" West, departing said Northeasterly line, a distance of 222.40 feet to a point on the Southwesterly line of said Lot 2;

THENCE North 53°30'00" West, along and with the Southwesterly line of said Lots 2 and 3, a distance of 131.47 feet;

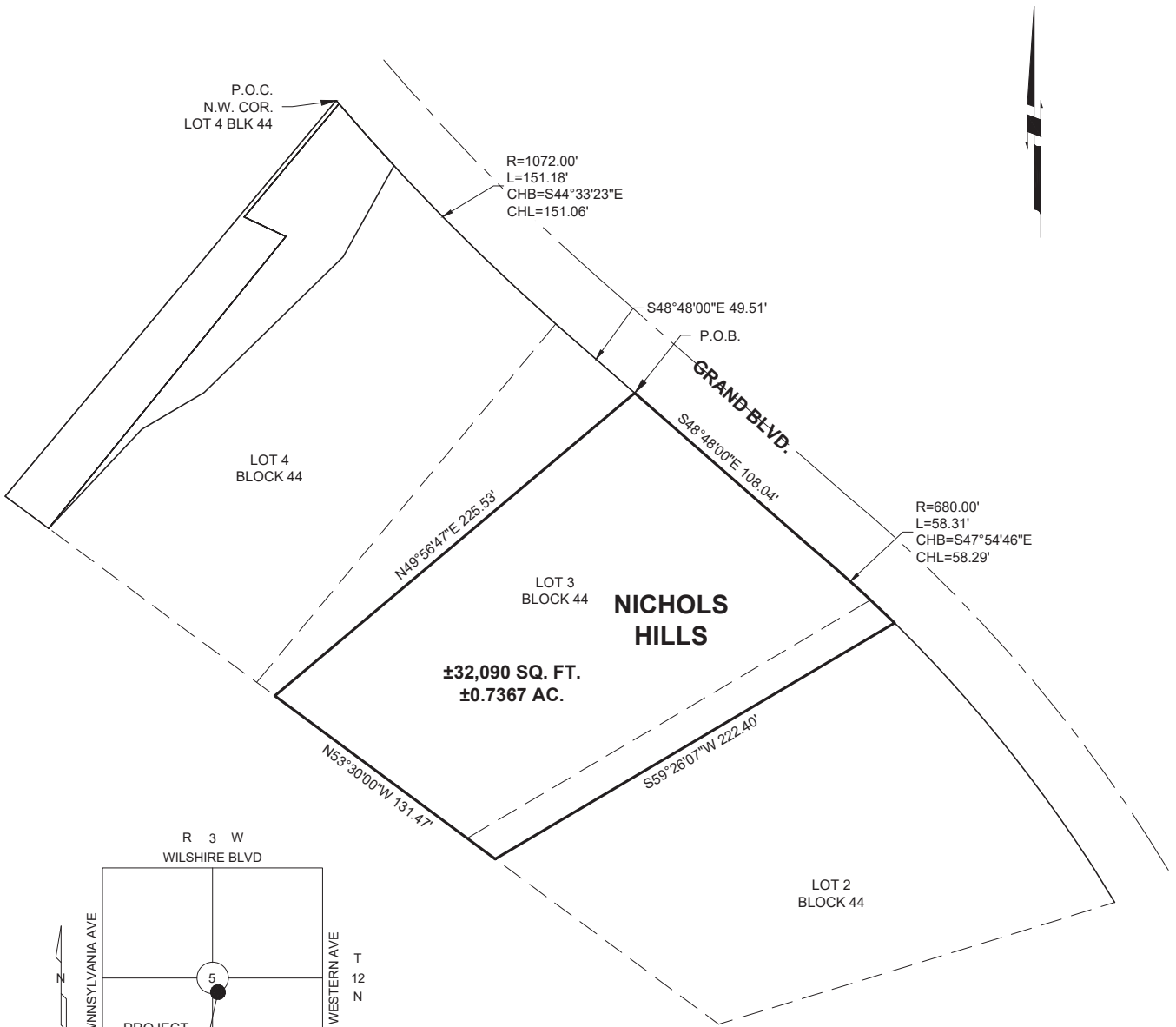
THENCE North 49°56'47" East, departing said Southwesterly line, a distance of 225.53 feet to the POINT OF BEGINNING.

Containing 32,090 square feet or 0.7367 acres, more or less.

Basis of Bearing: Grid North as established by state plane datum (Oklahoma State Plane North Zone NAD83)

S:\5124\5124-Lot 3 Block 44.docx

This legal description was prepared using the recorded plat of NICHOLS Hills and a provided survey by Coon Engineering dated 4/18/02. This legal description is not based on an actual survey of the property.



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NICHOLS HILLS
 OKLAHOMA COUNTY, OKLAHOMA
LOT 3 BLOCK 44



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 Oklahoma City, OK 73104
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 Certificate of Authorization #1484 Exp. Date: 06-30-2023
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LEGAL DESCRIPTION

Nichols Hills
Lot 4 Block 44

November 5, 2021
Revised December 29, 2021
Revised January 6, 2022

A tract of land being a part of the South Half (S/2) of Section Five (5), Township Twelve (12) North, Range Three (3) West of the Indian Meridian, Nichols Hills, Oklahoma County, Oklahoma, being a portion of Lots Three (3) and Four (4) Block Forty-four (44) as shown on the recorded plat NICHOLS HILLS, being more particularly described as follows:

Commencing at the Northernmost corner of said Lot 4;

THENCE along and with the Northeasterly line of said Lot 4 on a curve to the left, having a radius of 1,072.00 feet, a chord bearing of South 42°24'19" East, a chord length of 70.68 feet and an arc length of 70.69 feet to the POINT OF BEGINNING;

THENCE continuing along and with the Northeasterly line of said Lot 4 on said curve to the left, having a radius of 1,072.00 feet, a chord bearing of South 46°26'43" East, a chord length of 80.47 feet and an arc length of 80.49 feet

THENCE South 48°48'00" East, continuing along and with the Northeasterly line of said Lot 4 and along and with the Northeasterly line of said Lot 3, a distance of 49.51 feet;

THENCE South 49°56'47" West, departing said Northeasterly line, a distance of 225.53 feet to a point on the Southwesterly line of said Lot 3;

THENCE North 53°30'00" West, along and with the Southwesterly line of said Lots 3 and 4, a distance of 135.00 feet to the Southernmost corner of a tract of land recorded in Book 11969, Page 855;

THENCE along and with the Southeasterly line of said tract of land recorded in Book 11969, Page 855 the following three calls:

1. North 43°17'21" East, a distance of 65.34 feet;
2. North 59°34'16" East, a distance of 34.58 feet;
3. North 45°42'06" East, a distance of 93.23 feet to a corner on the Southeasterly line of said tract of land recorded in Book 11969, Page 855;

THENCE South 79°02'26" East, departing said Southeasterly line, a distance of 22.50 feet;

THENCE North 39°22'41" East, a distance of 34.90 feet to the POINT OF

S:\5124\5124-Lot 4 Block 44.docx

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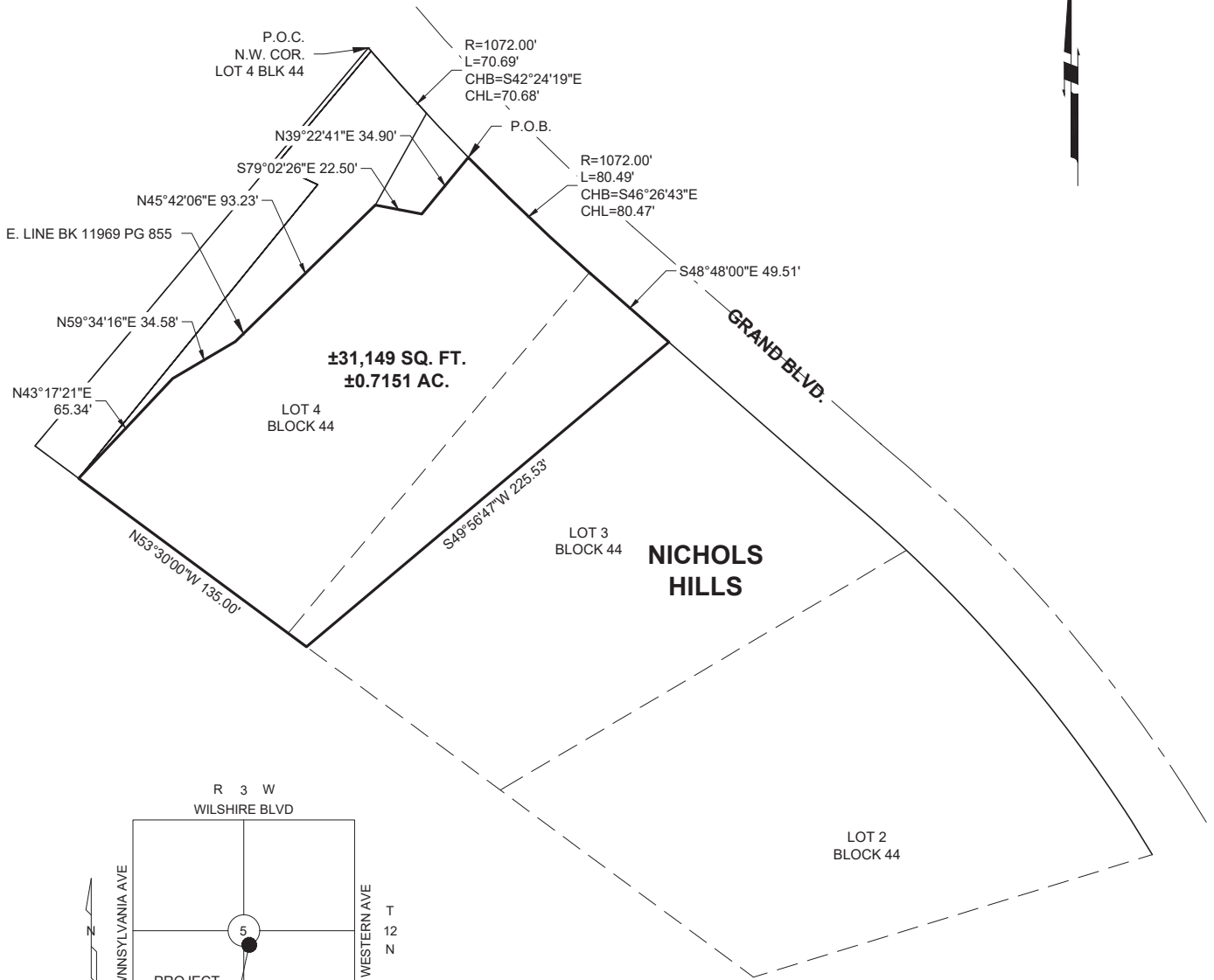
BEGINNING.

Containing 31,149 square feet or 0.7151 acres, more or less.

Basis of Bearing: Grid North as established by state plane datum (Oklahoma State Plane North Zone NAD83)

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This legal description was prepared using the recorded plat of NICHOLS Hills and a provided survey by Coon Engineering dated 4/18/02. This legal description is not based on an actual survey of the property.



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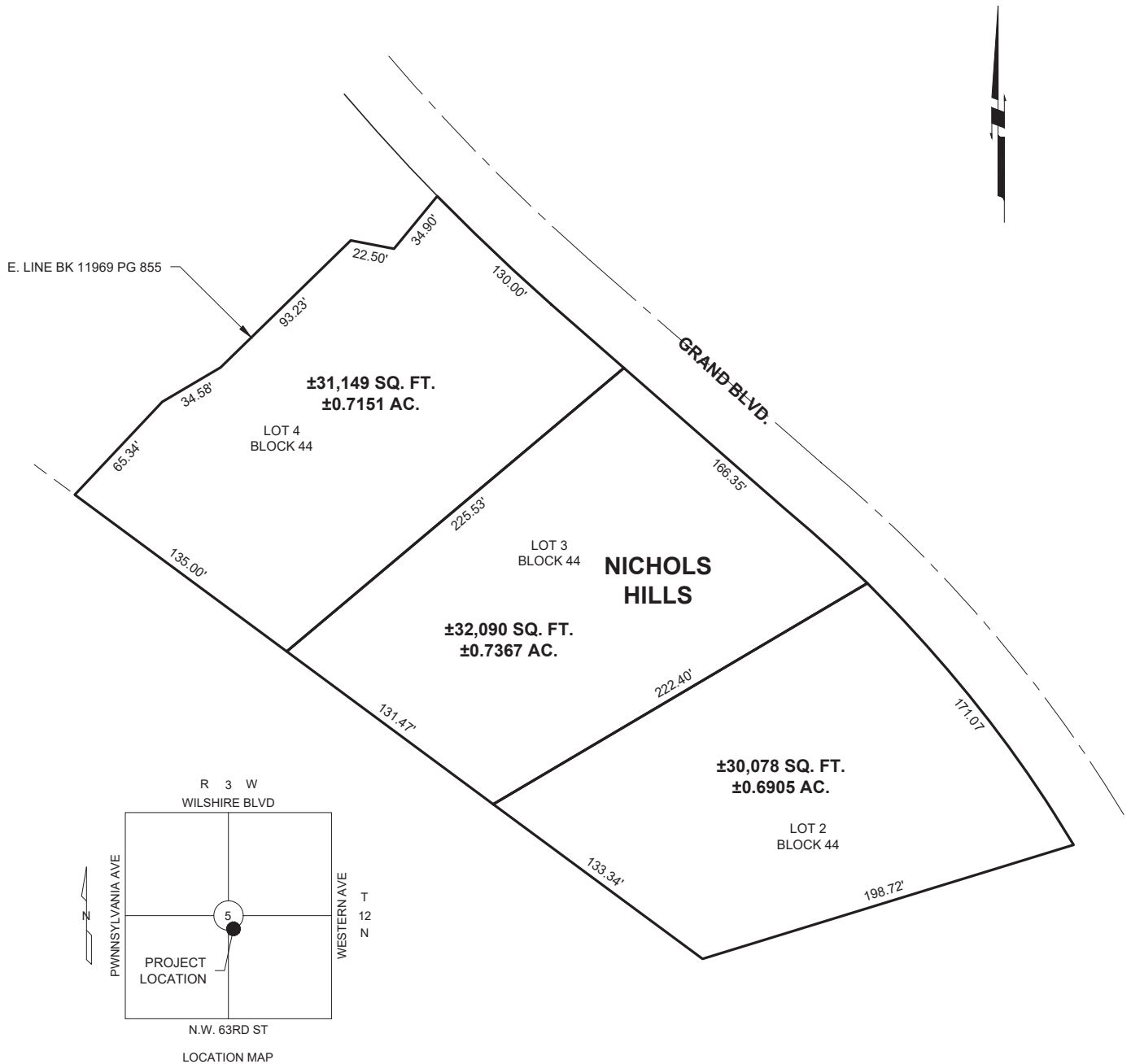
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 Date: 1-6-22
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NICHOLS HILLS
 OKLAHOMA COUNTY, OKLAHOMA
LOT 4 BLOCK 44



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 Certificate of Authorization #1484 Exp. Date: 06-30-2023
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Proj. No.: 5124
 Date: 1-6-22
 Scale: 1"=80'

NICHOLS HILLS
 OKLAHOMA COUNTY, OKLAHOMA
OVERALL



Johnson & Associates
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 Oklahoma City, OK 73104
 (405) 235-8075 FAX (405) 235-8078 www.jaokc.com
 Certificate of Authorization #1484 Exp. Date: 06-30-2023
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CERTIFICATE OF BONDED ABTRACTOR
(300 FEET RADIUS REPORT)

STATE OF OKLAHOMA)
) §:
 COUNTY OF OKLAHOMA)

The undersigned bonded abstractor in and for Oklahoma County, State of Oklahoma, does hereby certify that the following Ownership is true and correct according to the current year's tax rolls in the office of the County Treasurer of Oklahoma County, Oklahoma, as updated by the records of the County Clerk of Oklahoma County, Oklahoma; that the owners, as reflected by said records, are based on the last conveyance or final decree of record of certain properties located within 300 feet in all directions of the following described land:

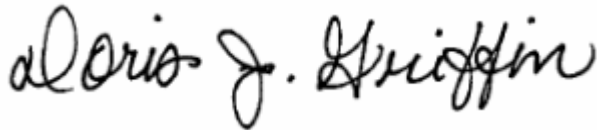
FOR LEGAL DESCRIPTION SEE EXHIBIT 'A', ATTACHED

and find the following owners, addresses and brief legal descriptions on the attached pages numbered from (1) to (3), both inclusive.

NOTICE TO CUSTOMERS: This report is released with the understanding that the information is strictly confidential. This report contains information from public land records only and is not to be construed as an abstract of title, opinion of title, title commitment, title insurance policy, or environmental research report. As used herein, the term "public land records" means those land records which under the recording laws of the applicable state, impart constructive notice to the third parties with respect to recorded, unreleased or record instruments memorializing legal interests in real estate. The company suggests that you contact your attorney for matters of a legal nature or legal opinion. We have exercised due care and diligence in preparing this report, however, the Abstractor does not guarantee validity of the title and acceptance of this report by the Company or person(s) for whom this report is made, constitutes agreement and confirmation of the limitation of this report.

Dated: December 2, 2022 at 7:30 AM

First American Title Insurance Company



By:

Doris Griffin

Abstractor License No. 4498

OAB Certificate of Authority # 0049

File No. 2785238-OK99

EXHIBIT 'A'File No.: **2785238-OK99 ()****Nichols Hills****Lot 2 Block 44****November 5, 2021**

A tract of land being a part of the South Half (S/2) of Section Five (5), Township Twelve (12) North, Range Three (3) West of the Indian Meridian, Nichols Hills, Oklahoma County, Oklahoma, being a portion of Lot Two (2) Block Forty-four (44) as shown on the recorded plat NICHOLS HILLS, being more particularly described as follows:

Commencing at the Northernmost corner of Lot 4 of said Block 44;

THENCE along and with the Northeasterly line of said Lot 4 on a curve to the left, having a radius of 1,072.00 feet, a chord bearing of South 44°33'23" East, a chord length of 151.06 feet and an arc length of 151.18 feet;

THENCE South 48°48'00" East, continuing along and with the Northeasterly line of said Lot 4 and along and with the Northeasterly line of said Lot 3, a distance of 157.55 feet;

THENCE along and with the Northeasterly line of said Lots 3 and 2 on a non-tangent curve to the right having a radius of 680.00 feet, a chord bearing of South 47°54'46" East, a chord length of 58.29 feet and an arc length of 58.31 feet to the POINT OF BEGINNING;

THENCE continuing along and with the Northeasterly line of said Lot 2 on said non-tangent curve to the right having a radius of 680.00 feet, a chord bearing of South 38°14'56" East, a chord length of 170.62 feet and an arc length of 171.07 feet to the Easternmost Corner of said Lot 2

THENCE South 72°54'21" West, along and with the Southeasterly line of said Lot 2, a distance of 198.72 feet to the Southernmost corner of said Lot 2;

THENCE North 53°30'00" West, along and with the Southwesterly line of said Lot 2, a distance of 133.34 feet;

THENCE North 59°26'07" East, departing said Southwesterly line, a distance of 222.40 feet to the POINT OF BEGINNING.

Containing 30,078 square feet or 0.6905 acres, more or less.

Basis of Bearing: Grid North as established by state plane datum (Oklahoma State Plane North Zone NAD83)

-AND-**Nichols Hills****Lot 3 Block 44****November 5, 2021****Revised December 29, 2021****Revised January 6, 2022**

A tract of land being a part of the South Half (S/2) of Section Five (5), Township Twelve (12) North, Range Three (3) West of the Indian Meridian, Nichols Hills, Oklahoma County, Oklahoma, being a portion of Lots Two (2) and Three (3) Block Forty-four (44) as shown on the recorded plat NICHOLS HILLS, being more particularly described as follows:

Commencing at the Northernmost corner of Lot 4 of said Block 44;

THENCE along and with the Northeasterly line of said Lot 4 on a curve to the left, having a radius of 1,072.00 feet, a chord bearing of South 44°33'23" East, a chord length of 151.06 feet and an arc length of 151.18 feet;

THENCE South 48°48'00" East, continuing along and with the Northeasterly line of said Lot 4 and along and with the Northeasterly line of said Lot 3, a distance of 49.51 feet to the POINT OF BEGINNING;

THENCE continuing South 48°48'00" East, along and with the Northeasterly line of said Lot

3, a distance of 108.04 feet;

THENCE continuing along and with the Northeasterly line of said Lot 3 and along and with the Northeasterly line of said Lot 2 on a non-tangent curve to the right having a radius of 680.00 feet, a chord bearing of South 47°54'46" East, a chord length of 58.29 feet and an arc length of 58.31 feet;

THENCE South 59°26'07" West, departing said Northeasterly line, a distance of 222.40 feet to a point on the Southwesterly line of said Lot 2;

THENCE North 53°30'00" West, along and with the Southwesterly line of said Lots 2 and 3, a distance of 131.47 feet;

THENCE North 49°56'47" East, departing said Southwesterly line, a distance of 225.53 feet to the POINT OF BEGINNING.

Containing 32,090 square feet or 0.7367 acres, more or less.

Basis of Bearing: Grid North as established by state plane datum (Oklahoma State Plane North Zone NAD83)

-AND-

Nichols Hills

Lot 4 Block 44

November 5, 2021

Revised December 29, 2021

Revised January 6, 2022

A tract of land being a part of the South Half (S/2) of Section Five (5), Township Twelve (12) North, Range Three (3) West of the Indian Meridian, Nichols Hills, Oklahoma County, Oklahoma, being a portion of Lots Three (3) and Four (4) Block Forty-four (44) as shown on the recorded plat NICHOLS HILLS, being more particularly described as follows:

Commencing at the Northernmost corner of said Lot 4;

THENCE along and with the Northeasterly line of said Lot 4 on a curve to the left, having a radius of 1,072.00 feet, a chord bearing of South 42°24'19" East, a chord length of 70.68 feet and an arc length of 70.69 feet to the POINT OF BEGINNING;

THENCE continuing along and with the Northeasterly line of said Lot 4 on said curve to the left, having a radius of 1,072.00 feet, a chord bearing of South 46°26'43" East, a chord length of 80.47 feet and an arc length of 80.49 feet

THENCE South 48°48'00" East, continuing along and with the Northeasterly line of said Lot 4 and along and with the Northeasterly line of said Lot 3, a distance of 49.51 feet;

THENCE South 49°56'47" West, departing said Northeasterly line, a distance of 225.53 feet to a point on the Southwesterly line of said Lot 3;

THENCE North 53°30'00" West, along and with the Southwesterly line of said Lots 3 and 4, a distance of 135.00 feet to the Southernmost corner of a tract of land recorded in Book 11969, Page 855;

THENCE along and with the Southeasterly line of said tract of land recorded in Book 11969, Page 855 the following three calls:

1. North 43°17'21" East, a distance of 65.34 feet;

2. North 59°34'16" East, a distance of 34.58 feet;

3. North 45°42'06" East, a distance of 93.23 feet to a corner on the Southeasterly line of said tract of land recorded in Book 11969, Page 855;

THENCE South 79°02'26" East, departing said Southeasterly line, a distance of 22.50 feet;

THENCE North 39°22'41" East, a distance of 34.90 feet to the POINT OF BEGINNING.

Containing 31,149 square feet or 0.7151 acres, more or less.

Basis of Bearing: Grid North as established by state plane datum (Oklahoma State Plane North Zone NAD83)

A.P.N. 2618-16-957-5265 and 2618-16-957-5270 and 2618-16-957-5275

OWNERSHIP REPORT
FILE NUMBER 2785238-OK99

EFFECTIVE DATE: DECEMBER 2, 2022 5.b.a
DATE PREPARED: DECEMBER 7, 2022

MAP NUMBER	ACCOUNT NUMBER	NAME	MAILING ADDRESS	CITY	STATE	ZIP CODE	SUB NAME	BLOCK	LOT	LEGAL	LOCATION
2618	R169575265	NH BLOCK 44 LLC	101 N ROBINSON AVE, Unit 900	OKLAHOMA CITY	OK	73102	NICHOLS HILLS ADD	044	002	NICHOLS HILLS ADD 044 002 (PART OF SUBJECT PROPERTY)	6600 NW GRAND BLVD NICHOLS HILLS
2618	R169575270	NH BLOCK 44 LLC	101 N ROBINSON AVE, Unit 900	OKLAHOMA CITY	OK	73102	NICHOLS HILLS ADD	044	003	NICHOLS HILLS ADD 044 003 (PART OF SUBJECT PROPERTY)	6606 NW GRAND BLVD NICHOLS HILLS
2618	R169575275	NH BLOCK 44 LLC	6600 NW GRAND BLVD	NICHOLS HILLS	OK	73118	NICHOLS HILLS ADD	044	000	NICHOLS HILLS ADD 044 000 ALL LOT 4 EX BEG AT SW/C LOT 4 TH SELY25FT NELY181.3FT NWLY23.3FT NELY72FT NWLY2FT SWLY 246FT TO BEG & EX BEG 246FT SWLY & 25FT SE FROM NW/C LT 4 TH NELY181.3 NW23.3FT NELY72.20FT SELY ON A CURVE 39.72FT SWLY50FT SWLY93.23FT SW34.58FT SWLY65.34FT TO BEG & EX BEG 41.74FT ALONG A CURVE LEFT NELY FROM NE/C LOT 4 TH NELY ON CURVE LEFT 28.97FT SW34.90FT NW22.50FT NE50FT TO BEG CONT .02 AC MORE OR LESS (PART OF SUBJECT PROPERTY)	0 UNKNOWN NICHOLS HILLS
2618	R169575260	DOLE ENTERPRISES LLC	2203 E WILSHIRE BLVD	OKLAHOMA CITY	OK	73111-8604	NICHOLS HILLS ADD	044	000	NICHOLS HILLS ADD 044 000 LOT 1 & PT OF VACATED GRAND BLVD BEG SE/C LT 1 TH ELY60.25FT NW ON A CURVE 50FT NWLY213.69FT SWLY48FT SELY ALONG A CURVE 248.80FT TO BEG	1301 BEDFORD DR NICHOLS HILLS

Attachment: PC-2023-01 Packet (6307 : Public Hearing - 6820 NW Grand rezoning)

**OWNERSHIP REPORT
FILE NUMBER 2785238-OK99**

EFFECTIVE DATE: DECEMBER 2, 2022

5.b.a

DATE PREPARED: DECEMBER 7, 2022

2618	R169575290	SAMIS KAREN H & MICHAEL S CO TRS, SAMIS KAREN HULSEY TRUST	1500 HUNTINGTON AVE	NICHOLS HILLS	OK	73116- 5417	NICHOLS HILLS ADD	044	000	NICHOLS HILLS ADD 044 000 PT LOT 4 BEG AT SW/C LOT 4 TH SELY 25FT TH NLY 181.3FT TH NWLY 23.3FT TH NLY 72FT TH NWLY 2FT TO NW/C LOT 4 TH SWLY 246FT TO BEG & PT OF LOT 4 BEG 246FT SWLY & 25FT SE FROM NW/C LT 4 TH NELY181.3 NW23.3FT NELY72.20FT SELY ON A CURVE 39.72FT SWLY50FT SWLY93.23FT SW34.58FT SWLY65.34FT TO BEG & BEG 41.74FT ALONG A CURVE LEFT NELY FROM NE/C LOT 4 TH NELY ON CURVE LEFT 28.97FT SW34.90FT NW22.50FT NE50FT TO BEG CONT .02 AC MORE OR LESS & ALL OF LOT 5	1500 HUNTINGTON AVE NICHOLS HILLS
2618	R169575310	JOHNSTON GARY C TRS, JOHNSTON GARY C 2008 TRUST	1309 BEDFORD DR	NICHOLS HILLS	OK	73116	NICHOLS HILLS ADD	044	007	NICHOLS HILLS ADD 044 007	1309 BEDFORD DR NICHOLS HILLS
2618	R169575315	14817 GAILLARDIA LANE LIVING TRUST	1303 BEDFORD DR	NICHOLS HILLS	OK	73116	NICHOLS HILLS ADD	044	008	NICHOLS HILLS ADD 044 008	1303 BEDFORD DR NICHOLS HILLS
2618	R169575385	GLASS PAULA L & NEIL M TRS, GLASS PAULA L REV TRUST	1300 BEDFORD DR	NICHOLS HILLS	OK	73116- 5708	NICHOLS HILLS ADD	045	008	NICHOLS HILLS ADD 045 008 N PRT LOT 8 BEING 80.06FT ON E & 86.79FT ON W	1300 BEDFORD DR NICHOLS HILLS
2618	R169575390	WEBER JANA L REV TRUST	1310 CAMDEN WAY	NICHOLS HILLS	OK	73118	NICHOLS HILLS ADD	045	009	NICHOLS HILLS ADD 045 009	1310 CAMDEN WAY NICHOLS HILLS

Attachment: PC-2023-01 Packet (6307 : Public Hearing - 6820 NW Grand rezoning)

**OWNERSHIP REPORT
FILE NUMBER 2785238-OK99**

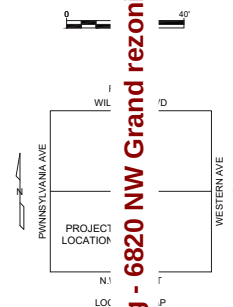
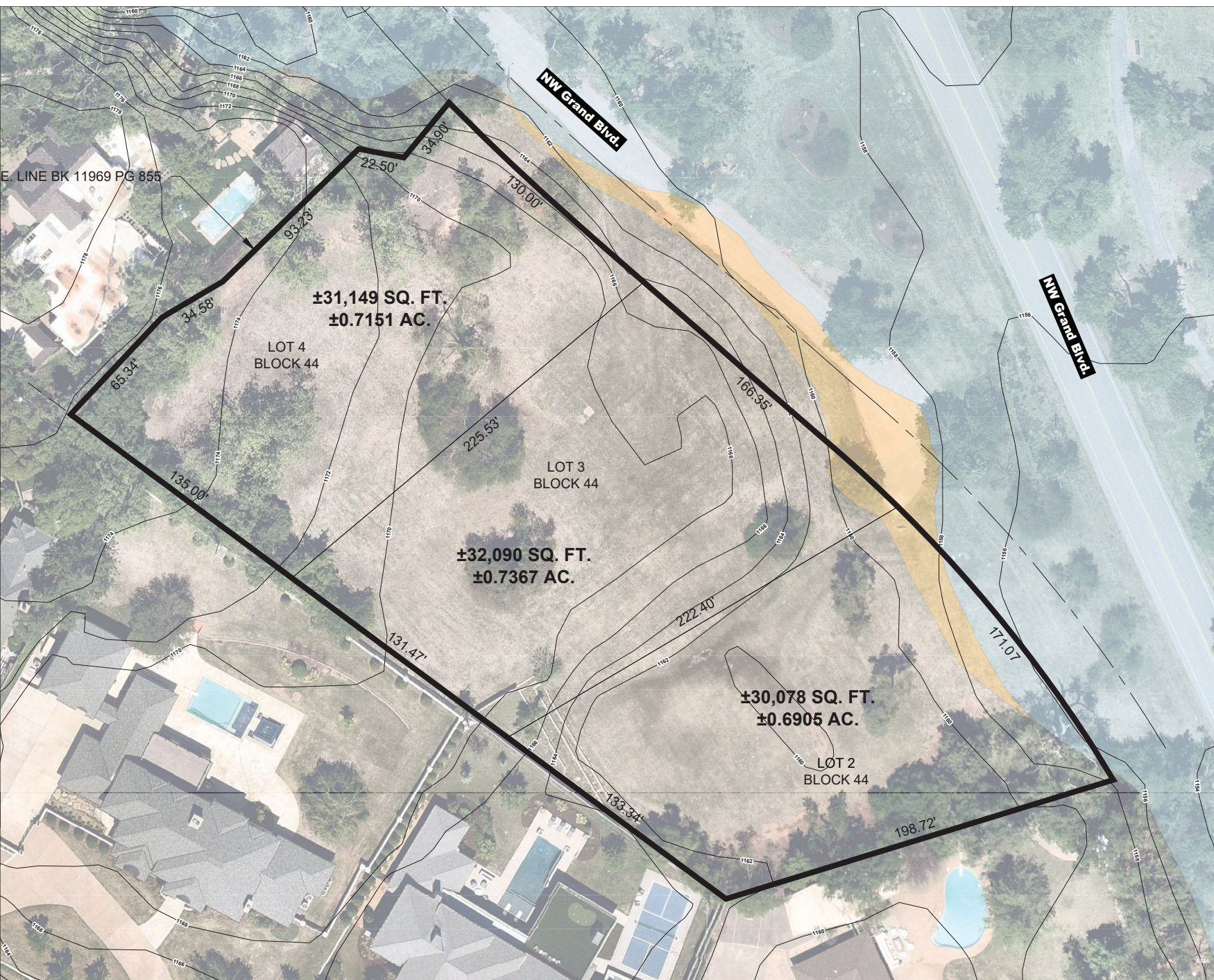
EFFECTIVE DATE: DECEMBER 2, 2022

5.b.a

DATE PREPARED: DECEMBER 7, 2022

2619	R169575050	SHUGHART BROOKS & SARAH	6700 NW GRAND BLVD	NICHOLS HILLS	OK	73116	NICHOLS HILLS ADD	042	000	NICHOLS HILLS ADD 042 000 LOT 1 EX A TRIANGLE TRACT BEG AT NORTHERNMOST CORNER LT 1 TH SWLY160.50FT NELY155.53FT NW ON A CURVE 25FT TO BEG	6700 NW GRAND BLVD NICHOLS HILLS
2619	R169575150	LE NORMAN DAVID D, LE NORMAN CORY A	9400 BROADWAY EXT STE 700	OKLAHOMA CITY	OK	73114	NICHOLS HILLS ADD	042	011	NICHOLS HILLS ADD 042 011	1501 DRURY LN NICHOLS HILLS
2619	R169575250	VILLA AMORE LLC	PO BOX 5256	OAK BROOK	IL	60522- 5256	NICHOLS HILLS ADD	043	000	NICHOLS HILLS ADD 043 000 LOT 9 & PT LOT 8 BEG SE/C LOT 8 TH NELY ALONG E LINE LOT 8 152.3FT TO NE/C SD LOT 8 NWLY ALONG N LINE LOT 8 44.3FT TO SW/C LOT 1 SWLY 162.44FT TO BEG	1501 HUNTINGTON AVE NICHOLS HILLS
2619	R169575160	NRR1 LLC	1500 DRURY LN	NICHOLS HILLS	OK	73116	NICHOLS HILLS ADD	043	001	NICHOLS HILLS ADD 043 001	1500 DRURY LN NICHOLS HILLS
2619	R169575300	HOOD LAURA B & HENRY J TRS, HOOD LAURA B LIVING TRUST	1504 HUNTINGTON AVE	NICHOLS HILLS	OK	73116	NICHOLS HILLS ADD	044	006	NICHOLS HILLS ADD 044 006	1504 HUNTINGTON AVE NICHOLS HILLS
2619	R169575960	CITY OF NICHOLS HILLS	6407 AVONDALE DR	NICHOLS HILLS	OK	73116- 6431	NICHOLS HILLS ADD	051	000	NICHOLS HILLS ADD 051 000 LTS 1 TO 5 EXEMPT	0 UNKNOWN NICHOLS HILLS

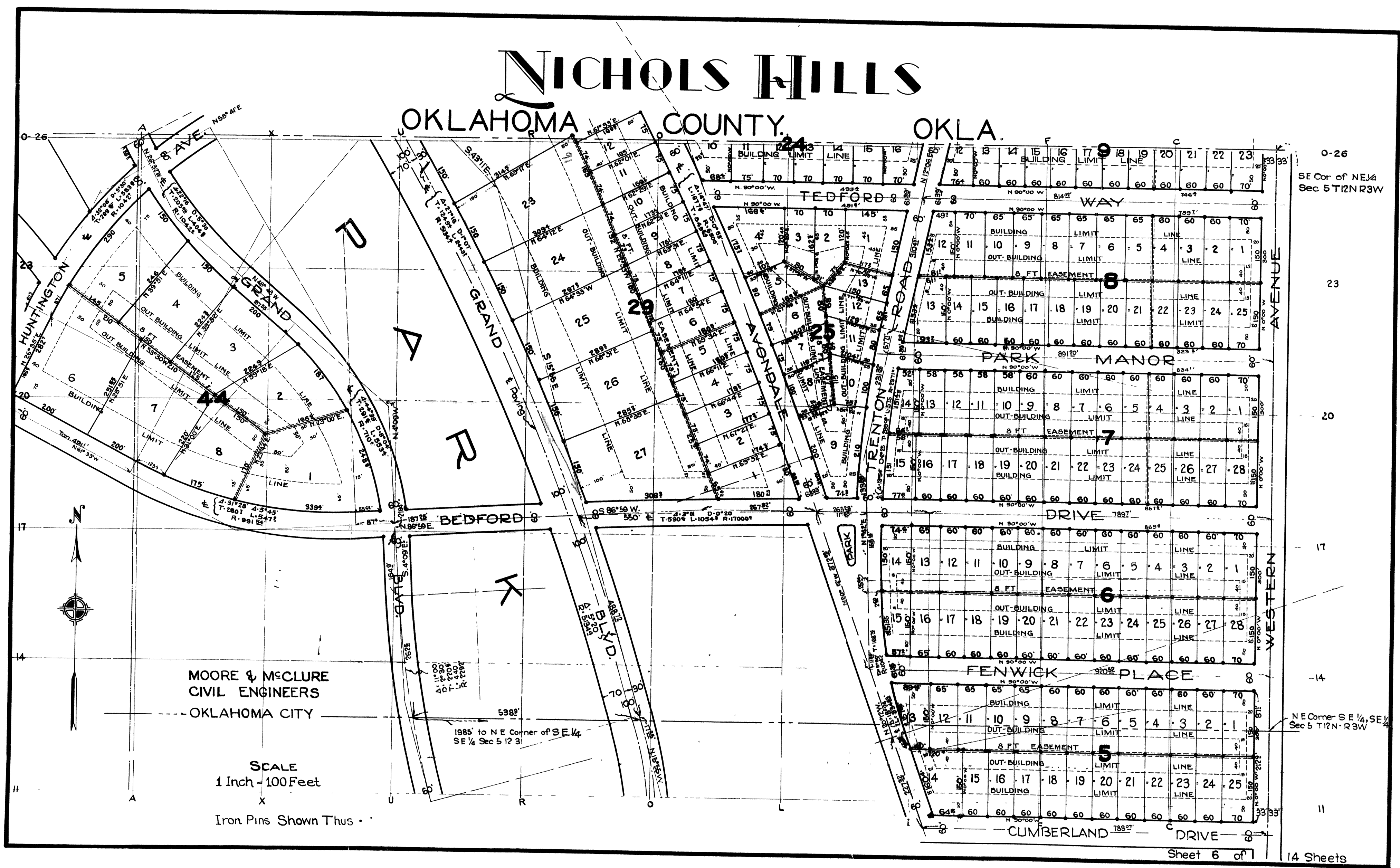
Attachment: PC-2023-01 Packet (6307 : Public Hearing - 6820 NW Grand rezoning)

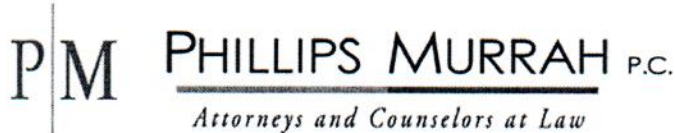


Bedford Dr. & NW Grady Blvd.

Rezon 33 xhibit

+/- 2.  res





February 3, 2023

VIA EMAIL: acopeland@nicholshills.net

Planning Commission
% Amanda Copeland, Assistant City Manager
City of Nichols Hills
6407 Avondale Drive
Nichols Hills, Oklahoma 73116

**RE: Application of NH Block 44, LLC for the Rezoning Request
Docketed to be heard February 7, 2023 ("Application")**

Dear Planning Commissioners:

I am writing this letter on behalf of Karen Samis, owner of the property located at 1500 Huntington, Nichols Hills.

The purpose of this letter is to respectfully request that the Planning Commission continue its consideration of the subject Application until the March, 2023 Planning Commission meeting. This request is respectfully made in that the undersigned will be out of the country on February 7th, the scheduled date for such consideration by the Planning Commission, and is unable to appear and protect Mrs. Samis's interest which we believe will be negatively affected should the Application be granted.

The Applicant's Lot 4 is contiguous in part to a portion of the Samis property located on Lot 5 and a portion of Lot 4 conveyed to Samis under authority of a lot split approved by the Planning Commission and the City Council of Nichols Hills at the joint meeting of the aforementioned bodies on January 18, 2022.

In a nutshell, the Application is, among other things, seeking to rezone the subject property from E-2, Urban Estate Zoning to R-1-75, Single Family Residential Zoning. The Application transmittal letter to the City from the Applicant's civil engineers states, in pertinent part, that the purpose of the request is two-fold, "...to allow for a shallower front yard setback and to increase the size of homes permitted on the property." It also states that "...the existing setbacks and lot coverage prevents a **market-sized home** (emphasis added) from being constructed on the subject site."

If my math is correct, and my interpretation of **market-sized home** in the context which I will ascribe to the Applicant is correct, the rezoning will move the home from a no-more-than 30% lot coverage ratio to a no-more-than 65% coverage. That would permit the maximum size home to be built under the current zoning of approximately 9,500 sq. ft. to grow to approximately 15,000 sq. ft.

The Power of a Strategic Partner.®

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405.235.4100 | Fax 405.235.4133 | phillipsmurrah.com

Attachment: PC-2023-01 Letter (6307 : Public Hearing - 6820 NW Grand rezoning)

Nichols Hills Planning Commission

February 3, 2023

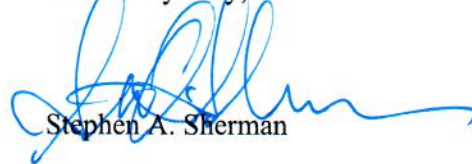
Page 2 of 2

The largesse of a **market-sized home** can reasonably be anticipated. It is submitted that extremely large homes on the subject lots, with the reduced setbacks provided for in the R-1-75 zoning, and the reduced front yard setback, will not only appear disproportionate on the properties, but will also burden the backyard neighbors that front Bedford, and Mrs. Samis whose property will be overshadowed, protected by only a small side yard set back to the west, and materially negatively impacted.

I hope that, in spite of its brevity, this letter will persuade the honorable commissioners of the Planning Commission to continue the proceeding for the consideration of the subject Application until Mrs. Samis and her representatives have an opportunity to visit with the Applicant and obtain certain assurances that are appropriate to the circumstance.

Again, it is respectfully requested that the Planning Commission defer consideration of the Applicant's Application and continue the item to the March Planning Commission Docket.

Yours very truly,



Stephen A. Sherman

SAS:wjr

P.S. Mr. Henry Hood's home, which is next door to the Samis home, backs up to a portion of the subject properties. He has authorized me to state that he is also in favor of the continuance requested herein.

cc: Mrs. Karen Samis (via email)
Mr. Henry Hood (via email)

PM

Published in _____ on _____, 2023

ORDINANCE NO.

AN ORDINANCE REGARDING MAXIMUM BUILDING HEIGHT AND AMENDING CHAPTER 50 OF THE NICHOLS HILLS CITY CODE REGARDING THE MAXIMUM BUILDING HEIGHT AND NO-BUILD VERTICAL ENVELOPES FOR THE E-1 ESTATE DISTRICT, THE E-2 URBAN ESTATE DISTRICT, THE R-1-75 SINGLE-FAMILY RESIDENTIAL DISTRICT, AND THE R-1-60 SINGLE-FAMILY RESIDENTIAL DISTRICT; 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 50-3 of the Nichols Hills City Code is hereby amended, with new language underlined, to wit:

Sec. 50-3. Definitions.

The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

No-Build Vertical Envelope means that portion of a Building adjacent to the Side Yard Property Line where construction is not permitted by the District Regulations applicable for the Building. The No-Build Vertical Envelope for each of the E-1 Estate District, the E-2 Urban Estate District, the R-1-75 Single-Family Residential District, and the R-1-60 Single-Family Residential District is set out in the District Regulations applicable to each District.

[The depictions included with this definition are stricken.]

Property Line means the line marking the boundary between any Street and the Lots or property abutting thereon as determined by the legal description of the Property and the records of the County Clerk.

Section 2. Section 50-47 of the Nichols Hills City Code is hereby amended, with deleted language stricken through and new language underlined, to wit:

Sec. 50-47. E-1 Estate District.

(e) *Development regulations.*

(8) *Maximum Building height.*

b. Maximum Main Building height is 45 feet.

~~Maximum Main Building height is determined by creation of a No-Build Vertical Envelope using the Side Yard Setback lines and the following formula:~~

- ~~1. Establish a parallel line 45 feet above the Centroid of the structure that extends from one required Side Yard Setback to the other.~~
- ~~2. Create a No-Build Vertical Envelope on each side of the structure envelope as follows:~~
 - ~~(i) Begin at the intersection of the 45-foot maximum height plane and the required Side Yard Setback line. Draw a line along the maximum height plane a distance of 22 feet to point "A."~~
 - ~~(ii) From the same point of beginning, draw a vertical line along the Side Yard Setback plane a distance of 23 feet to point "B." This point represents the maximum permitted plate height.~~
 - ~~(iii) Connect points "A" and "B" to delineate a "no-build" triangle-shaped area.~~
 - ~~(iv) On a sidewall or roof section that faces a Side Yard, a gable or dormers may be added that do not exceed 20 percent of the length of the sidewall measured at finished floor level. The dormer or gable length will be measured at the 22 foot plate height level. Example: a 60-foot long side wall may~~

have a dormer or gable that measures 12 feet long at the 22 foot plate height level.

- ~~c. Maximum side wall plate height to be 25 feet, plus one additional foot of height for each full foot of setback provided in addition to the Side Yard Setback required by this Section.~~

Section 3. Section 50-48 of the Nichols Hills City Code is hereby amended, with deleted language stricken through and new language underlined, to wit:

Sec. 50-48. E-2 Urban Estate District.

- (e) *Development regulations.*

- (8) *Maximum Building height.*

- b. Maximum Main Building height is 35 feet, ~~determined by creation of a No-Build Vertical Envelope using the Side Yard Setback lines and the following formula:~~
1. ~~Establish a parallel line 35 feet above the Centroid of the structure that extends from one required Side Yard Setback to the other.~~
 2. ~~Create a No-Build Vertical Envelope on each side of the structure envelope as follows:~~
 - (i) ~~Begin at the intersection of the 35-foot maximum height plane and the required Side Yard Setback line. Draw a line along the maximum height plane a distance of 12 feet to point "A."~~
 - (ii) ~~From the same point of beginning, draw a vertical line along the Side Yard Setback plane a distance of 13 feet to point "B." This point represents the maximum permitted plate height.~~

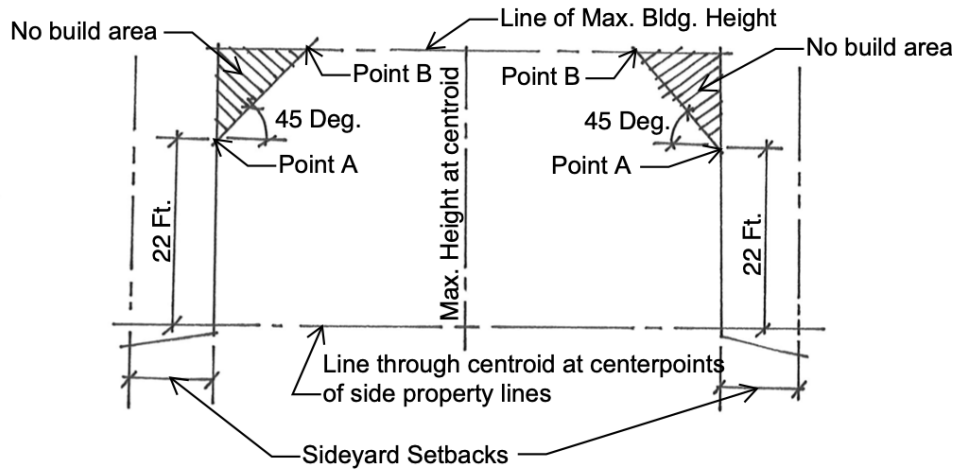
- (iii) ~~Connect points “A” and “B” to delineate a “no-build” triangle-shaped area.~~
 - (iv) ~~On a sidewall or roof section that faces a Side Yard, a gable or dormers may be added that do not exceed 20 percent of the length of the sidewall measured at finished floor level. The dormer or gable length will be measured at the 22 foot plate height level. Example: a 60-foot long side wall may have a dormer or gable that measures 12 feet long at the 22 foot plate height level.~~
 - e. ~~Maximum side wall plate height to be 25 feet, plus one additional foot of height for each full foot of setback provided in addition to the Side Yard Setback required by this Section.~~
- (9) No-Build Vertical Envelopes.
- a. No Step-Back required where Main Building is set back 20 feet or more. Where the Main Building is set back 20 feet or more from the side Property Line, a No-Build Vertical Envelope is not required.
 - b. Single Step-back required where Main Building is set back less than 20 feet. Where the Main Building is set back less than 20 feet from the side Property Line, the Main Building must have a single step-back No Build Vertical Envelope.
 - 1. Determining the No-Build Vertical Envelope. Where the Main Building is set back less than 20 feet from the side Property Line, no portion of a Main Building is permitted within a No-Build Vertical Envelope. Specifically, that side of a Building must have a single step-back No-Build Vertical Envelope, the size and location of which are determined as follows:
 - i. Establish the point at which the Building is set back, at the Centroid level, then move vertically up 22 feet to point “A.”
 - ii. At point “A,” a 45-degree angle will be drawn to the point where it intersects a horizontal line drawn at the maximum Building height. This point will be point “B.”
 - iii. Connect points “A” and “B” to delineate a No-Build Vertical Envelope on that side of the Building.
 - 2. Exceptions for Side Yard gables and dormers. On a sidewall or roof section that faces a Side Yard, a gable or dormers may be

added that do not exceed 20 percent of the length of the sidewall measured at finished floor level. The dormer or gable length will be measured at the 22-foot plate height level.

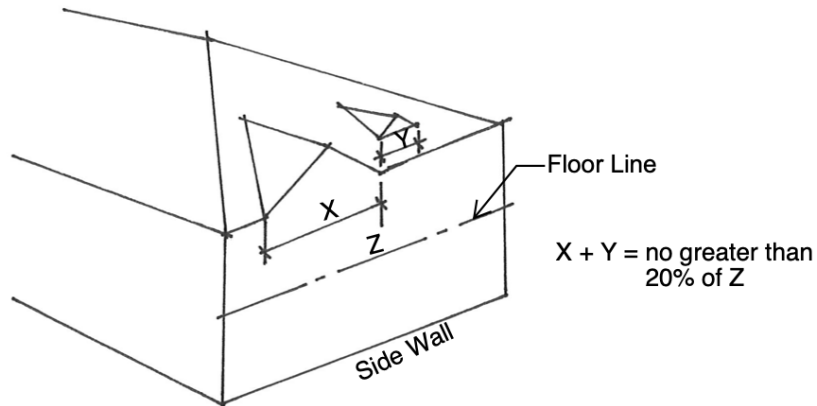
Example: a 60-foot-long side wall may have a dormer or gable that measures 12 feet long at the 22-foot plate height level.

3. Depiction. The single step-back No-Build Vertical Envelope required where the Main Building is set back less than 20 feet from the side Property Line in the E-2 Urban Estate District and the exceptions to it are depicted as follows:

Single Stepback No Build Vertical Envelope



No Build Vertical Envelope



Exception to No Build Vertical Envelope

~~(9-10)~~ *Aggregate Lots and combined Lots with frontage on two non-intersecting streets.*

~~(10 11)~~ *Perimeter fences and walls.*

Section 4. Section 50-49 of the Nichols Hills City Code is hereby amended, with deleted language stricken through and new language underlined, to wit:

Sec. 50-49. R-1-75 Single-Family Residential District.

(e) *Development regulations.*

(8) *Maximum Building height.*

- b. ~~No build envelope. No Accessory Building is permitted within “no build” areas created as follows:~~
 - 1. ~~Establish a point at the side, and rear yard setbacks, at the finished floor level then move vertically up ten feet to points “A.”~~
 - 2. ~~At points “A” a 45 degree angle will be drawn to the point where it intersects with the maximum building height which is point “B.”~~
 - 3. ~~Connect points “A” and “B” to delineate a “no build” area on every side of the structure.~~
- e. Maximum building height is determined by the width of the Lot at the front Property Setback Lines as follows:
 - 1. Lots with less than 100-foot frontage at the front Property Setback Line will have a 31-foot maximum height level.
 - 2. Lots with 100-foot frontage or greater but less than or equal to 125 feet at the front Property Setback Line will have a 32-foot maximum height level.

3. Lots greater than 125 feet at the front of the ~~Property~~ Setback Line will have a 33-foot maximum height level.
4. No Main Building shall exceed 16 feet in height within 40 feet of the rear ~~Lot~~ Property Line except on corner Lots.
- d. ~~No-Build Vertical Envelope. No Main Building is permitted within “no build” areas created as follows: Create a “no build” area on each side of the structure as follows:~~
 1. Establish a point at the Side Yard Setback , at the Centroid level, then move vertically up 22 feet to point “A”.
 2. At point “A” a 45-degree angle will be drawn to the point where it intersects with the maximum Building height, which is point “B.”
 3. Connect points “A” and “B” to delineate a “no build” area on each side of the structure.
 4. On a sidewall or roof section that faces a Side Yard, a gable or dormers may be added that do not exceed 20 percent of the length of the sidewall measured at finished floor level. The dormer or gable length will be measured at the plate height level. Example: a 60-foot long side wall may have a dormer or gable that measures 12 feet long at the plate height level.

(9) No-Build Vertical Envelopes.

- a. Single Step-Back required where Main Building is set back 15 feet or more. Where the Main Building is set back 15 feet or more from the side Property Line, the Main Building must have a single step-back No Build Vertical Envelope.
 1. Determining the No-Build Vertical Envelope. Where the Main Building is set back 15 feet or more from the side Property Line, no portion of a Main Building is permitted within a No-Build Vertical Envelope. Specifically, that side of a Building must have a single step-back No-Build Vertical Envelope, the size and location of which are determined as follows:
 - i. Establish the point at which the Building is set back, at the Centroid level, then move vertically up 22 feet to point “A.”
 - ii. At point “A,” a 45-degree angle will be drawn to the point where it intersects a horizontal line drawn at the maximum Building height. This point will be point “B.”

iii. Connect points “A” and “B” to delineate a No-Build Vertical Envelope on that side of the Building.

2. Exceptions for Side Yard gables and dormers. On a sidewall or roof section that faces a Side Yard, a gable or dormers may be added that do not exceed 20 percent of the length of the sidewall measured at finished floor level. The dormer or gable length will be measured at the 22-foot plate height level.

Example: a 60-foot-long side wall may have a dormer or gable that measures 12 feet long at the 22-foot plate height level.

3. Depiction. The single step-back No-Build Vertical Envelope required where the Main Building is set back 15 feet or more from the side Property Line in the R-1-75 Residential District and the exceptions to it are depicted in subsection (c).

b. Double Step-Back required where Main Building is set back less than 15 feet. Where the Main Building is set back less than 15 feet from the side Property Line, the Main Building must have a double step-back No Build Vertical Envelope.

(1) Determining the No-Build Vertical Envelope. Where the Main Building is set back less than 15 feet from the side Property Line, no portion of a Main Building is permitted within a No-Build Vertical Envelope. Specifically, that side of a Building must have a double step-back No-Build Vertical Envelope, the size and location of which are determined as follows:

i. Establish the point at which the Building is set back, at the Centroid level, then move vertically up 12 feet to point “A.”

ii. At point “A,” a 45-degree angle will be drawn to the point where it intersects a vertical line offset from the point at which the Building is set back, a distance of six feet. This point will be point “B.”

iii. From point “B,” extend vertically four feet. This point will be point “C.”

iv. At point “C,” a 45-degree angle will be drawn to the point where it intersects with the maximum Building height, which will be point “D.”

v. Connect points “A,” “B,” “C,” and “D” to delineate a No-Build Vertical Envelope on that side of the Building.

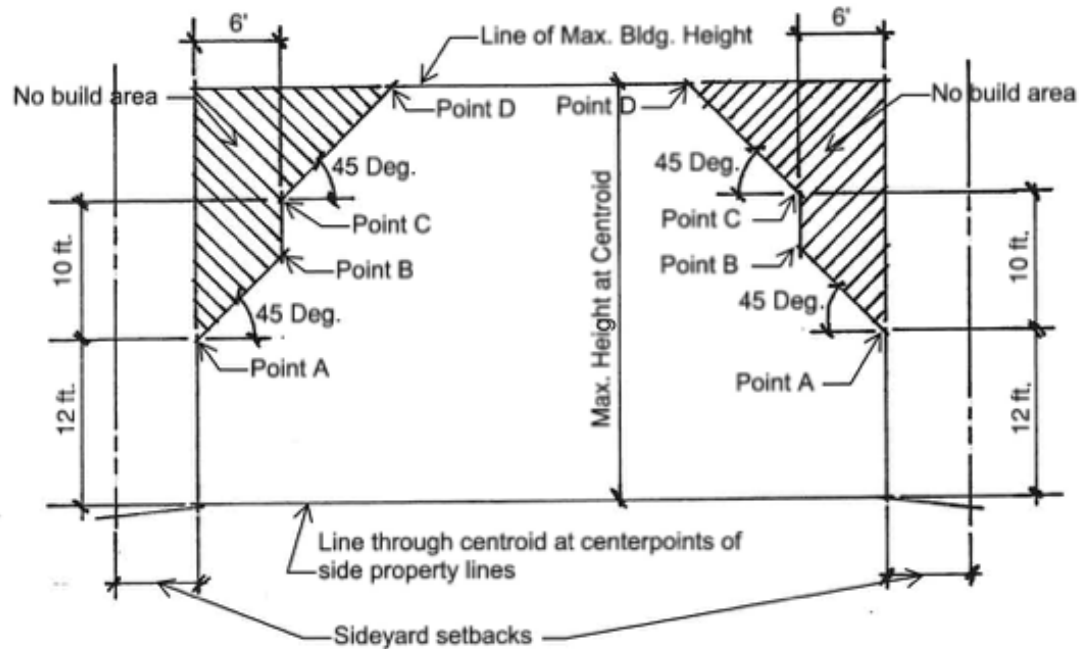
- (2) Exceptions for Side Yard gables and dormers. On a sidewall or roof section that faces a Side Yard, the No-Build Vertical Envelope is not limited for the length of wall that: (1) does not exceed 20 percent of the length of the sidewall where the Building is constructed not less than seven feet six inches from the side Property Line; (2) does not exceed 30 percent of the length of the sidewall where the Building is constructed not less than ten feet from the side Property Line; or (3) does not exceed 40 percent of the length of the sidewall where the Building is constructed not less than 12 feet from the side Property Line. The length of the sidewall will be measured at the finished floor level.

Example: A 60-foot-long side wall may have a length of wall with no limit from the No-Build Vertical Envelope that measures 18 feet long if the Building is ten feet from the Property Line.

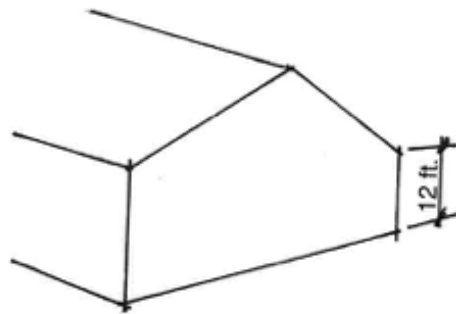
- (3) Exception for single-story gable walls. There will not be a No-Build Vertical Envelope on a single-story gable wall with a maximum plate line height of 12 feet.
- (4) Depiction. The double step-back No-Build Vertical Envelope required where the Main Building is set back less than 15 feet from the side Property Line in the R-1-75 Single Family Residential District and the exceptions to it are depicted in subsection (c).

c. The No-Build Vertical Envelope requirements in the R-1-75 Single Family Residential District and the exceptions to them are depicted as follows:

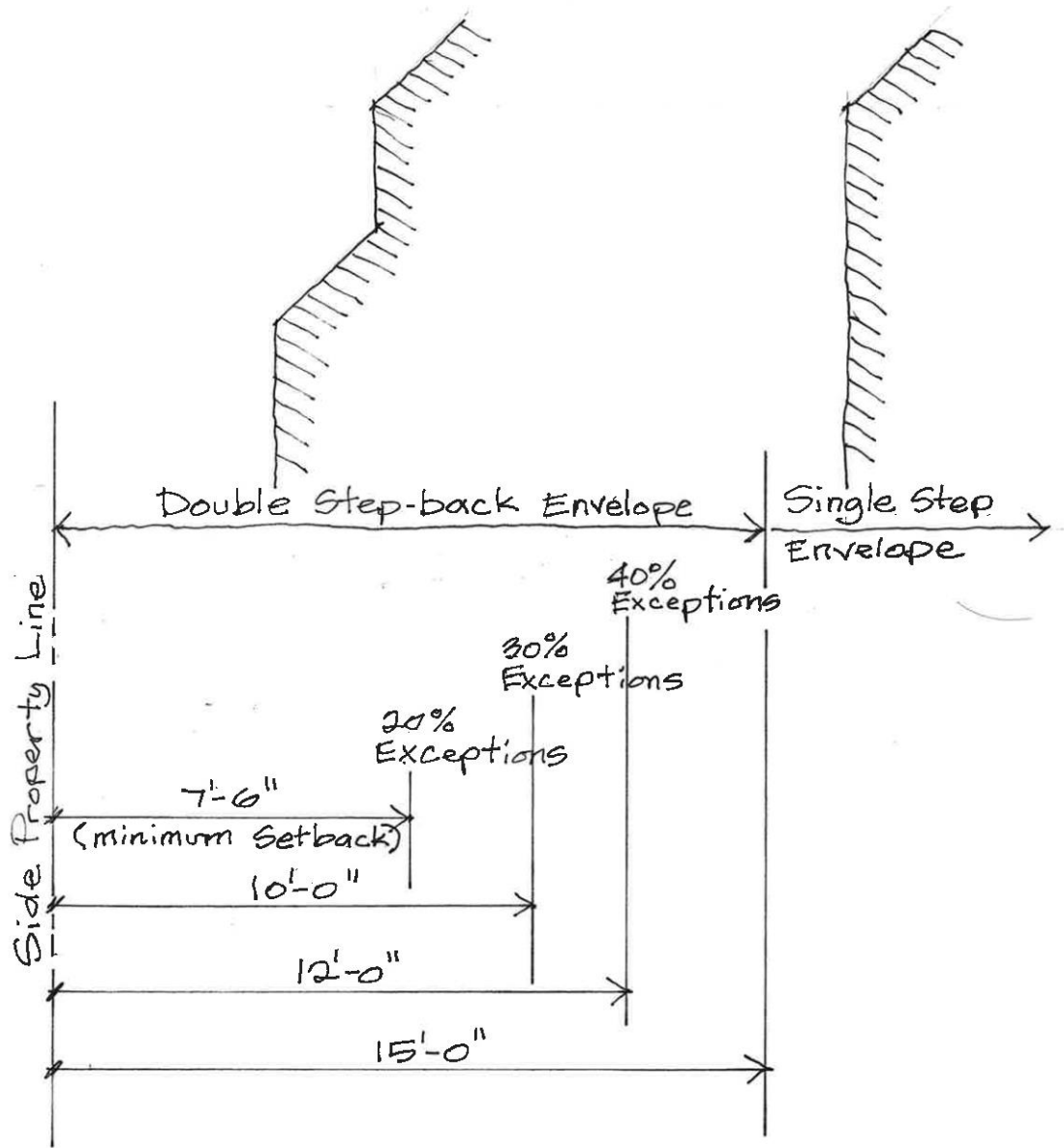
Double Stepback No Build Vertical Envelope R-1-75 District



No Build Vertical Envelope



Exception to No Build Vertical Envelope



R-1-75 Setback Depictions

(9 10) *Aggregate Lots and combined Lots with frontage on two non-intersecting streets.*

(10 11) *Second story decks or patios.*

(11 12) *Combined Lots.*

(12 13) *Separation of Accessory Buildings from Main Building.*

Section 5. Section 50-50 of the Nichols Hills City Code is hereby amended, with deleted language stricken through and new language underlined, to wit:

Sec. 50-50. R-1-60 Single-Family Residential District.

(e) *Development regulations.*

(8) *Maximum Building height.*

b. ~~No build envelope. No Accessory Building is permitted within “no build” areas created as follows:~~

1. ~~Establish a point at the side, and rear yard setbacks, at the finished floor level then move vertically up ten feet to points “A.”~~
2. ~~At points “A” a 45 degree angle will be drawn to the point where it intersects with the maximum building height which is point “B.”~~
3. ~~Connect points “A” and “B” to delineate a “no build” area on every side of the structure.~~

e. Main Building. ~~Maximum Main Building height is determined by the width of the Lot at the front Property Line as follows:~~

1. Maximum Main Building Height is 30 feet.
2. No Main Building shall exceed 16 feet in height within 40 feet of the rear ~~Lot Line~~ Property Line except on corner lots.
- d. ~~No-Build Vertical Envelope.~~ No Main Building is permitted within “no build” areas created as follows: Create a “no build” area on each side of the structure as follows:
 1. Establish a point at the Side Yard Setback, at the Centroid level, then move vertically up 22 feet to point “A”.
 2. At point “A” a 45-degree angle will be drawn to the point where it intersects with the maximum Building height, which is point “B.”
 3. Connect points “A” and “B” to delineate a “no build” area on each side of the structure.
 4. On a sidewall or roof section that faces a Side Yard, a gable or dormers may be added that do not exceed 20 percent of the length of the sidewall measured at finished floor level. The dormer or gable length will be measured at the plate height level. Example: a 60-foot long side wall may have a dormer or gable that measures 12 feet long at the plate height level.

(9) No-Build Vertical Envelopes.

- a. Single Step-Back required where Main Building is set back 12 feet or more. Where the Main Building is set back 12 feet or more from the side Property Line, the Main Building must have a single step-back No Build Vertical Envelope.
 1. Determining the No-Build Vertical Envelope. Where the Main Building is set back 12 feet or more from the side Property Line, no portion of a Main Building is permitted within a No-Build Vertical Envelope. Specifically, that side of a Building must have a single step-back No-Build Vertical Envelope, the size and location of which are determined as follows:
 - i. Establish the point at which the Building is set back from the side Property Line, at the Centroid level, then move vertically up 22 feet to point “A.”
 - ii. At point “A,” a 45-degree angle will be drawn to the point where it intersects a horizontal line drawn at the maximum Building height. This point will be point “B.”

iii. Connect points “A” and “B” to delineate a No-Build Vertical Envelope on that side of the Building.

2. Exceptions for Side Yard gables and dormers. On a sidewall or roof section that faces a Side Yard, a gable or dormers may be added that do not exceed 20 percent of the length of the sidewall measured at finished floor level. The dormer or gable length will be measured at the 22-foot plate height level.

Example: a 60-foot-long side wall may have a dormer or gable that measures 12 feet long at the 22-foot plate height level.

3. Depiction. The single step-back No-Build Vertical Envelope required where the Main Building is set back 12 feet or more from the side Property Line in the R-1-60 Residential District and the exceptions to it are depicted in subsection (c).

b. Double Step-Back required where Main Building is set back less than 12 feet. Where the Main Building is set back less than 12 feet from a Side Property Line, the Main Building must have a double step-back No Build Vertical Envelope.

1. Determining the No-Build Vertical Envelope. Where the Main Building is set back less than 12 feet from the side Property Line, no portion of a Main Building is permitted within a No-Build Vertical Envelope. Specifically, that side of a Building must have a double step-back No-Build Vertical Envelope, the size and location of which are determined as follows:

- i. Establish the point at which the Building is set back, at the Centroid level, then move vertically up 12 feet to point “A.”
- ii. At point “A,” a 45-degree angle will be drawn to the point where it intersects a vertical line offset from the point at which the Building is set back, a distance of six feet. This point will be point “B.”
- iii. From point “B,” extend vertically four feet. This point will be point “C.”
- iv. At point “C,” a 45-degree angle will be drawn to the point where it intersects with the maximum Building height, which will be point “D.”
- v. Connect points “A,” “B,” “C,” and “D” to delineate a

No-Build Vertical Envelope on that side of the Building.

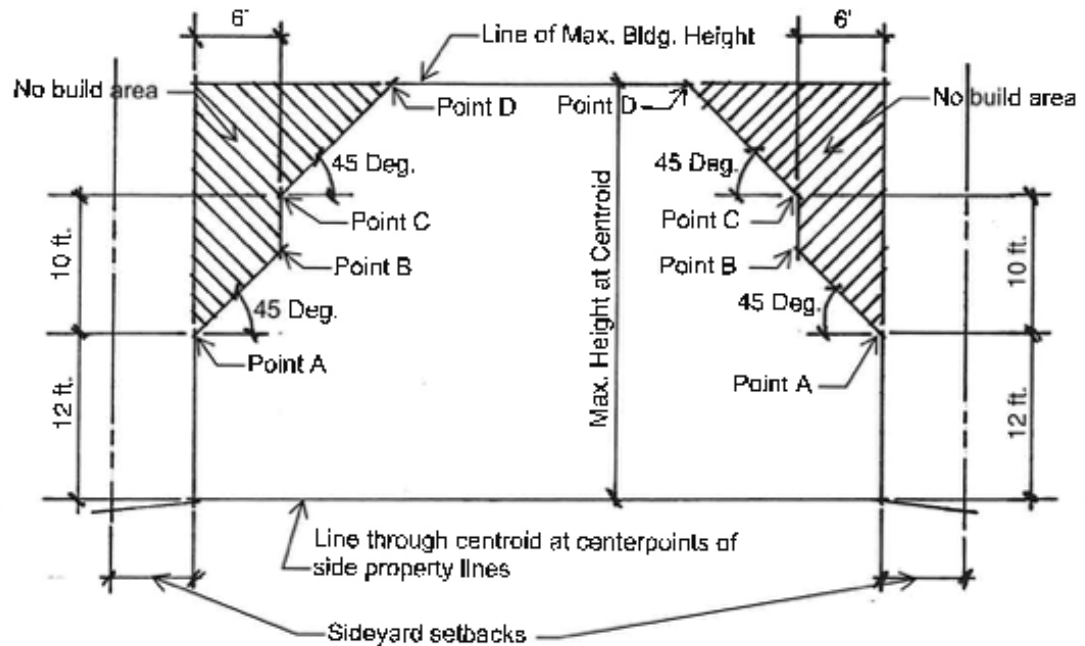
2. Exceptions for Side Yard gables and dormers. On a sidewall or roof section that faces a Side Yard, the No-Build Vertical Envelope is not limited for the length of wall that: (1) does not exceed 20 percent of the length of the sidewall where the Building is constructed not less than six feet from the side Property Line; (2) does not exceed 30 percent of the length of the sidewall where the Building is constructed not less than seven feet from the side Property Line; or (3) does not exceed 40 percent of the length of the sidewall where the Building is constructed not less than eight feet from the side Property Line. The length of the sidewall will be measured at the finished floor level.

Example: A 60-foot-long side wall may have a length of wall with no limit from the No-Build Vertical Envelope that measures 18 feet if the Building is seven feet from the Property Line.

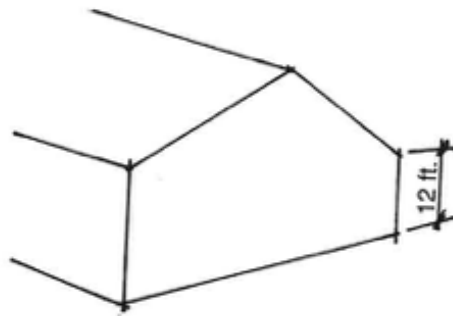
3. Exception for single-story gable walls. There will not be a No-Build Vertical Envelope on a single-story gable wall with a maximum plate line height of 12 feet.
4. Depiction. The double step-back No-Build Vertical Envelope required where the Main Building is set back less than 12 feet from the side Property Line in the R-1-60 Single Family Residential District and the exceptions to it are depicted in subsection (c).

- c. The No-Build Vertical Envelope requirements in the R-1-75 Single Family Residential District and the exceptions to them are depicted as follows:

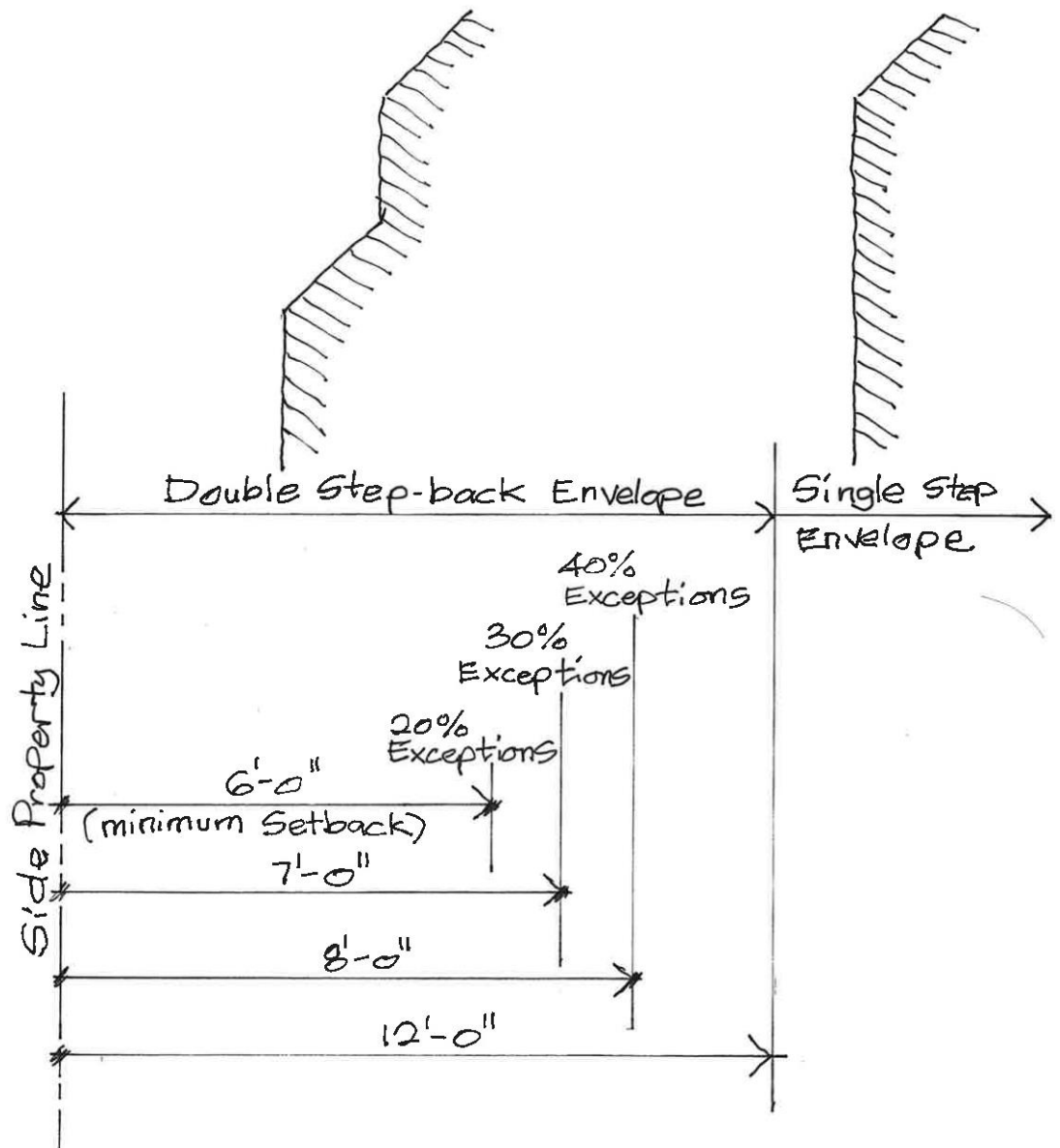
Double Stepback No Build Vertical Envelope R-1-60 District



No Build Vertical Envelope



Exception to No Build Vertical Envelope



R-1-60 Setback Depictions

(9 ~~10~~) *Aggregate Lots and combined Lots with frontage on two non-intersecting streets.*

(~~10~~ 11) *Perimeter fences and walls.*

(~~11~~ 12) *Second story decks or patios.*

(~~12~~ 13) *Combined Lots.*

(~~13~~ 14) *Separation of Accessory Buildings from Main Building.*

Section 6. All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 7. 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 8. 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 _____, 2023.

APPROVED by the Mayor of the City of Nichols Hills, Oklahoma, on the _____ day of _____, 2023.

ATTEST:

Mayor

City Clerk

Reviewed as to Form and Legality:

City Attorney

Published in _____ on _____, 2023

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 50 OF THE NICHOLS HILLS CITY CODE REGARDING SECONDARY BUILDINGS, ACCESSORY BUILDINGS, ACCESSORY STRUCTURES, AND ACCESSORY USES; 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 50-3 of the Nichols Hills City Code is amended, with deleted language stricken through and new language underlined, to wit:

Sec. 50-3. Definitions.

The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

~~*Accessory Building, Structure, or use* means a Building, Structure, or use that is incidental, appropriate, and subordinate to the principal use of the land or Buildings located upon the same premises. A permitted home office use defined and allowed in Section 50-136 is an accessory use. Typical accessory Structures on a residential property would be a detached garage, carport, greenhouse, cabana, gazebo, pergola, storage shed, and any other Structure that is incidental, appropriate, and subordinate to the principal use of the residence. Architectural elements such as trellises and arbors that are used only for decorative purposes are not accessory Structures provided that the architectural design and material used harmonize with the Main Building. All portable Buildings are accessory Structures subject to the regulations of this chapter.~~

Accessory Building means a Building that is less than 650 square feet and that is incidental, appropriate, and subordinate to the principal Building(s) located on the same Lot.

Accessory Structure means a Structure that is less than 650 square feet and that is incidental, appropriate, and subordinate to the principal use of the Building(s) or land located on the same Lot.

Accessory Use means an activity or use in connection with or in a Building or Structure that is incidental, appropriate, and subordinate to the principal use of the Building(s), Structures or land on the same Lot.

Building, Portable, means a movable Accessory Building or Accessory Structure which is not connected to utility services, does not exceed 12 feet in height and 144 square feet in gross floor area. ~~is behind the front of the Main Building, is subject to other Setback requirements, and is included in Lot Coverage requirements.~~

Building, Secondary.

(1) The term ~~“Building, secondary,”~~ Secondary Building means any Structure containing the same uses and located on the same Lot as the Main Building as follows:

- a. In estate and single-family residential districts, Secondary Building means an integrated architectural design including more than one Structure, all of which are intended for occupancy by the immediate family or household staff as permitted. A detached garage which exceeds a 650 square foot Building footprint shall be considered a Secondary Building. Note that effective December 24, 2010, Secondary Buildings are not allowed in any Residential District. Some Secondary Buildings exist in the E-1-Estate and E-2 Urban Estate Districts that were built prior to that date.
- b. In multiple-family residential districts, Secondary Building means an architecturally compatible complex of two or more Buildings on a parcel under one ownership, with all Buildings providing the same type of permitted occupancy and as the Main Building.
- c. In office and retail commercial districts, Secondary Building means a parcel under one ownership with more than one Structure, and having shared parking and access.

(2) All applicable zoning and construction code requirements must be met. Secondary Buildings shall be included with the Main Building in the application of all development regulations of the Zoning District.

Commercial Dumpster means a Large Scale Receptacle (as defined in Section 36-26) that is a metal receptacle, used for commercial garbage collection purposes, designed to be lifted and emptied mechanically for use primarily at multiple-family developments and commercial properties.

Detached Emergency Shelter means a Structure that is not attached to or part of another Building and that is designed and intended for temporary human habitation during periods of violent storms and emergency situations. An emergency shelter that is located below ground inside a Garage is not a Detached Emergency Shelter.

Landscape Structure means any Structure erected or installed outside and separated from the Main Building that is affixed to the ground and associated with landscaping or used in association with outdoor activities. Landscape Structures include greenhouses, storage sheds, gazebos, pergolas, artwork, statuary, and fountains.

Lot means any plot of land occupied or intended to be occupied by one Building, or a group of Buildings, and Secondary Buildings, Accessory Buildings, Accessory Structures, and/or Accessory Uses, including such open spaces as required by this Chapter and other laws or Ordinances, and having its principal frontage on a Street. For the purposes of this Chapter, Lot includes, but is not limited to, a measured plot of land having fixed boundaries and designated on a plat and of at least sufficient size to meet the requirements in this Chapter and in Chapter 40. Minimum Use Regulations and Development Standards, as the term "Lot" is defined in the City Subdivision Regulations.

Lot Coverage means the percentage of the Buildable Area of a Lot which is covered by a roof or other Structure and is not open to the sky, calculated from outside face of frame to outside face of frame. The term "Lot Coverage" includes, but is not necessarily limited to, the Main Building, Secondary Buildings, Accessory Buildings, Accessory Structures, and Accessory Uses. covered Porches and decks, covered terraces, Carports, and Porte Cocheres. "Lot Coverage" does include unenclosed swimming pools, unenclosed tennis or game courts, and driveways.

Sports Court means any outdoor uncovered surface area designed for athletic or recreational purposes, including tennis, basketball, handball, pickleball, paddleball, badminton, bocce ball, volleyball, and racquetball courts. Sports Courts include any slabs, fences, and lighting accessory to the Sports Court. Sports Courts do not include driveways or parking areas that are used for athletic or recreational purposes (such as a single basketball goal installed on a residential driveway). Swimming Pools are not Sports Courts.

Section 2. New Division 6 of Article II is hereby added to Chapter 50, with new language underlined, to wit:

Division 6 – Accessory Buildings, Accessory Structures, and Accessory Uses.

Sec. 50-158. Accessory Buildings, Accessory Structures, and Accessory Uses in general.

Except as otherwise set out in this Division, all Accessory Buildings, Accessory Structures, and Accessory Uses are subject to the following:

- (a) Permit required. Unless exempted by this Division or otherwise stated, a

Conditional Use Permit is required for all Accessory Buildings, Accessory Structures, and Accessory Uses as set out in Article IV of this Chapter.

(b) *Principal use required.* Accessory Buildings, Accessory Structures, and Accessory Uses are allowed only in connection with lawfully established principal uses.

(c) *Compliance with Zoning District regulations.* Each permitted Accessory Building, Accessory Structure, and Accessory Use is subject to the development regulations for the applicable the Zoning District, including regulations as to Setbacks, height, location, and separation from Main Buildings, all as set out for the City's Zoning Districts in Division 2 and Division 3 of this Article.

(d) *Allowed Accessory Buildings, Accessory Structures, and Accessory Uses.* Allowed Accessory Buildings, Accessory Structures, and Accessory Uses are limited to those set out in this Division and those buildings, structures, and uses that satisfy the following criteria, as determined by the Code Official:

- (1) *Buildings, Structures, and uses that are customarily found in conjunction with the subject principal use or Main Building on the premises;*
- (2) *Buildings, Structures, and uses that are subordinate to and clearly incident to the principal use or Main Building on the premises; and*
- (3) *Buildings, Structures, and uses that serve a necessary function for or contribute to the comfort, safety or convenience of the occupants of the Main Building.*

(e) *Time of construction and establishment.* Accessory Uses may be established only after the principal use of the property is in place. Accessory Buildings and Accessory Structures may be established only in conjunction with construction of the Main Building or after that construction is complete.

(f) *Code Official authority to impose conditions on issuance of permits.* As set out in Article IV of this Chapter, the Code Official is authorized to impose conditions on issuance of Conditional Use Permits for Accessory Buildings, Accessory Structures, and Accessory Uses, including: (1) conditions to address drainage issues attributable to the increase in impervious surface area resulting from a proposed Accessory Building, Accessory Structure or Accessory Use; (2) conditions to require Privacy Landscaping to address privacy concerns resulting from a proposed Accessory Building, Accessory Structure or Accessory Use; (3) conditions to address health and safety concerns. Compliance with all such conditions is mandatory; (4) conditions to address noise issues and to provide noise buffers; and (5) other reasonable conditions necessary to protect the public health, safety, comfort, and welfare.

(g) *Code Official authority to refer applications for hearing.* As set out in Article IV of this Chapter, the Code Official may refer applications for Conditional Use Permits

to the Planning Commission and City Council for public hearings prior to granting the Conditional Use Permit.

(h) *Changing use after approval is prohibited.* Except for minor revisions as discussed in subsection (i), once a Conditional Use Permit is issued for an Accessory Building, Accessory Structure or Accessory Use, such building, structure or use may not be enlarged, extended, increased in intensity, or relocated unless the City issues a new Conditional Use Permit.

(i) *Minor revisions to approved Accessory Buildings, Accessory Structures or Accessory Uses.* Minor revisions to Accessory Buildings, Accessory Structures, and Accessory Uses for which the Code Official has issued a Conditional Use Permit (or other applicable Permit) do not require a new Permit but must be approved by an amendment to the original Permit issued by the Code Official. Minor revisions are revisions to the Accessory Building, Accessory Structure or Accessory Use that:

- (1) *modify no more than five percent of the project from the original Permit;*
- (2) *are consistent with any conditions associated with the original Permit;*
- (3) *do not significantly alter the project previously approved; and*
- (4) *are in conformance with the Nichols Hills City Code and the intent of the Nichols Hills Building Commission Building Demolition, Design, and Construction Guidelines.*

(j) *Lot Coverage implications.* Accessory Buildings, Accessory Structures, and Accessory Uses are included in the Lot Coverage calculations except the following when located outdoors and uncovered by a permanent roof structure:

- (1) *In-ground swimming pools and above-ground swimming pools that do not exceed five feet in height above ground;*
- (2) *Decks or hard surfaced terraces at or within five feet of grade; and*
- (3) *Sports Courts.*

Sec. 50-159. Cabanas and Pool Houses.

Cabanas and pool houses without kitchen facilities are Accessory Structures that are allowed in the Residential Zoning Districts by Conditional Use Permit. Where allowed, cabanas and pool houses are subject to Section 50-158 and the following:

- (1) *Cabanas and pool houses may only be used in connection with swimming pools and outdoor activities. They may not be used for household occupancy or for any commercial purpose as prohibited by Section 50-166.*

Sec. 50-160. Carports.

Carports are Accessory Structures that are allowed by Conditional Use Permit. Carports are subject to Section 50-158 and the following:

- (1) Use. Carports may be used only for use for parking one operable motor vehicle. Carports may not be used for storage of personal property or inoperable vehicles.
- (2) Permanently open. Carports must be permanently open on two sides. Enclosure of a Carport is grounds for revocation of the permit for it.
- (3) Located on hard surface. Carports must be located over a permanent hard surface.
- (4) Number. There may be no more than one Carport per Dwelling.
- (5) Design. Carports must have an architectural design and appearance compatible with the Main Building, including roof type and pitch, colors, structural design, texture, and materials.
- (6) Maintenance. Carports must be kept in an attractive state in good repair, and in a safe and sanitary condition.
- (7) Attachment to residence. Carports may not be attached to a Dwelling.
- (8) Existing Carports. Once constructed, Carports may not be enlarged or altered in any way.

Sec. 50-163. Commercial Dumpsters.

Commercial Dumpsters are Accessory Structures that are allowed only in the R-3 Multiple-Family Residential District, the U-4 Church District, the C-1 Office District, and the C-2 Retail Business District by Conditional Use Permits. Commercial Dumpsters are prohibited in all other Zoning Districts.

This Section does not apply to Large Scale Receptacles used on a temporary basis or used in connection with permitted construction and demolition purposes which are addressed in Section 36-26(b). Where allowed, Commercial Dumpsters are subject to Section 50-158 and the following:

- (1) Dumpsters must be comprised of rigid metal construction.
- (2) Dumpsters must be located on a dustless, all-weather surface.
- (3) Dumpsters may not:

- a. Obstruct traffic (whether motorized or non-motorized).
 - b. Reduce any sidewalk or walkway designed for the passage of pedestrians to less than five feet in width.
 - c. Be located within ten feet of a fire hydrant or fire suppression connection.
 - d. Be located in a required parking space or required landscape area.
 - e. Be located in a street Setback or side Setback.
- (4) The site surrounding the dumpster must be maintained free of litter, debris, and other materials.
- (5) Commercial Dumpsters must be screened from view of all streets and public ways. Screening of Commercial Dumpsters in alleys is not required. Signs are not allowed on the exterior of a screening fence or wall. Such screening must be at least six feet in height and must consist of a combination of stone or masonry walls and evergreen landscaping, berms or other methods approved by the Code Official.
- (6) Where the use of a Commercial Dumpster is proposed, the location and intended screening demonstrating compliance with this Section must be included with the submittal of a site plan for a Building Permit or Certificate of Occupancy.

Sec. 50-161. Detached Emergency Shelters.

Detached Emergency Shelters are Accessory Buildings that are allowed by Conditional Use Permit. Detached Emergency Shelters are subject to Section 50-158 and the following:

- (1) Detached Emergency Shelters may not be located in a Front Yard or Side Yard unless it is not physically feasible to install in the Rear Yard, in which case no part of the shelter may exceed 18 inches in height above ground level except for Detached Emergency Shelters built to be handicapped accessible.
- (2) Any part of a Detached Emergency Shelter that is in a Front Yard or Side Yard that is visible from a Street or a public way must be screened. Such screening must consist of a combination of stone or masonry walls and evergreen landscaping or other methods approved by the Code Official.

Sec. 50-162. Detached Garages.

Detached Garages are Accessory Buildings that are allowed in the Residential Zoning Districts by Conditional Use Permit. Detached Garages are subject to the requirements of Section 50-158 and the following:

- (1) As set out in Section 50-3, Detached Garages that exceed a 650 square foot

building footprint in the E-1 Estate District, the E-2 Urban Estate District, the R-1-75 Single-Family Residential District, and the R-1-60 Single-Family Residential District are considered Secondary Buildings and are prohibited. And as set out in Sections 50-51 and 50-52, Detached Garages that exceed a 450 square foot building footprint or 20 foot building height in the R-2 Two-Family Residential District or the R-3 Multiple Family Residential District are considered Secondary Buildings and require a Special Use Permit.

- (2) Garage doors are subject to the residential high-wind construction requirements set out in Section 8-29.
- (3) Detached Garages may be constructed only in the Rear Yard or Side Yard of a Lot.

Sec. 50-164. Electric Vehicle Charging Stations and Electric Vehicle Parking Spaces.

Electric Vehicle Charging Stations and Electric Vehicle Parking Spaces are Accessory Structures that are allowed in all Zoning Districts by Electric Vehicle Charging Station Permit. Requirements applicable to Electric Vehicle Charging Stations and Electric Vehicle Parking Spaces are set out in Division 11 of this Article.

Sec. 50-165. Home office use; prohibited business and commercial uses of property in the Residential Zoning Districts.

Use of a Dwelling as a home office is an Accessory Use that is allowed in the Residential Zoning Districts, subject to compliance with this Section. A Conditional Use Permit is not required.

(1) *Prohibition on business and commercial use.* Any business or commercial use of property within any residential Zoning District in this Chapter is prohibited unless such use is a permitted home office use or the casual and occasional use by resident minors under age 16 years selling lemonade, cookies or other similar items.

(2) *Permitted home office use allowed as accessory use and defined.* Permitted home office use shall be a permitted accessory use in any residential Zoning District in this Chapter. For purposes of this Section, permitted home office use shall mean an office activity in the main residential dwelling area and not in an outbuilding, carried on for gain by a resident, or an office activity for charitable, private foundation or other similar nonprofit purposes, provided:

- a. The use is limited solely to office use and, at all times, incidental and secondary to residential uses of the property;
- b. The use carried on for gain is operated by or employs in the residence only a resident or residents who are permanent full-time residents of the Dwelling Unit, and no other persons; or the use for charitable, private foundation or other similar nonprofit purposes is operated by or employs

in the residence only a resident or residents who are permanent full-time residents of the Dwelling Unit, and no more than one nonresident of the Dwelling Unit;

- c. No nonresident employees, customers, or business invitees or guests shall visit the Dwelling Unit for business purposes, except:
 - i. Customers or business invitees or guests may visit on an infrequent and nonrecurrent basis for any permitted activity; or
 - ii. If the business purposes involves teaching or instruction of arts, music, physical fitness, or academics, customers or business invitees or guests may visit in groups of no more than two such persons at any one time with a maximum of six such persons per day;
- d. The use shall be located in no more than two rooms of the Dwelling Unit, which shall not be served by an entrance separate from the residence and such total office use shall be no more than 20 percent of the floor area of the residence excluding outbuildings from the calculation of floor area;
- e. Interior storage of materials shall only consist of office supplies;
- f. There shall be no change to the exterior of buildings or structures because of the use, and no outside appearance of a business use, including, but not limited to, parking, storage of business materials or equipment, signs, or lights;
- g. The use involves no equipment or process that creates noise, vibration, glare, fumes, odors, or electrical or electronic interference, including interference with telephone, Internet or wireless communication, radio or television reception, detectable by neighboring residents;
- h. The use is not for any of the following:
 - i. The care for infants or children;
 - ii. The boarding or breeding kennels for animals;
 - iii. Barbershop/beauty salon;
 - iv. Massage parlor;
 - v. Restaurant and other retail food service at the Dwelling Unit;
 - vi. Nursing facility or other health-related care serving patients at the Dwelling Unit;
 - vii. Hotel, bed and breakfast or other similar uses serving transient guests for compensation at the Dwelling Unit; or
 - viii. Church business office;
- i. All vehicular traffic to and from the office use shall be limited in volume, type and frequency to what is normally associated with other residential uses in the residential zone district and business guests or invitees parking shall be restricted to on-site use of the driveway or on the same side of the street directly in front of the residential dwelling; and
- j. The Dwelling Unit is occupied by a resident as a residential Dwelling Unit during non-business hours on the same day that the Dwelling Unit is used as an office as permitted under this Section.

(3) Administration and enforcement; penalties and violations.

- a. Responsibility for the administration and enforcement of the provisions of this Section are assigned to the City Manager or his designee.

- b. The City Manager or his designee in the exercise of reasonable discretion may inspect the premises if he deems it necessary in light of the documentation submitted or other information gathered about business or commercial use of property in residential Zoning Districts. If the City Manager should determine or believe that any use may be in violation of the provisions of this Section, the City Manager or his designee shall conduct such investigation as may be warranted by the circumstances including an inspection of the premises, and upon finding of a violation may direct that the violations be corrected by issuing one warning citation requiring correction within a period of 15 days. If such violations remain uncorrected upon the expiration of such 15 days, City Manager or his designee may file a complaint to be prosecuted by the City in Municipal Court.
- c. Any person, firm or corporation who shall knowingly violate any provision of this Section shall, upon conviction, be subject to a fine of not more than \$450.00. Each day that a violation exists shall constitute a separate and distinct offense.

Sec. 50-166. Landscape Structures.

Landscape Structures are Accessory Structures that are allowed by in all Zoning Districts Conditional Use Permit. Landscape Structures are subject to the requirements of Section 50-158 and the following:

- (1) *Greenhouses and storage sheds.* Greenhouses and storage sheds may be constructed only in the Rear Yard or Side Yard, provided that any greenhouse or storage shed located in a Side Yard must not be visible from a Street or public way. The maximum height for a greenhouse or storage shed is 18 feet. Greenhouses and storage sheds must be located a minimum of 10 feet from the Main Building.
- (2) *Height and maximum dimension.* The allowed height and maximum dimension for each Landscape Structures will be based on its proposed location relative to the Setbacks applicable to the Main Building. Without the City's specific approval, Landscape Structures generally may not exceed 10 feet in height and may have no other dimension greater than 20 feet.
- (3) The total area of a lot covered by Landscape Structures on a Lot may not exceed 500 square feet or 20 percent of the total floor area of the Structures on the lot, whichever is greater.
- (4) *Exclusions from definition of Landscape Structure.* Architectural and landscape elements that are not affixed to the ground, that are easily movable, and that are used for decorative purposes, such as trellises, arbors, floor bed edging, bird feeders, bird baths, flowerpots, ornamental porch items, benches, and lawn

library boxes generally do not require a Permit from the City provided that in each case, the architectural design and material used harmonize with the Main Building.

- (5) Code Official determination. The Code Official is authorized to determine whether any particular structure is a Landscape Structure requiring a Conditional Use Permit.

Sec. 50-167. Playground Equipment and tree houses.

Playground Equipment and tree houses are Accessory Structures that are allowed in the Residential Zoning Districts by Conditional Use Permit. Playground Equipment and tree houses are subject to Section 50-158, Article XIII, Chapter 8, and the following:

- (1) Where a Lot with a Main Building has been combined with an abutting or adjacent vacant Lot, the following additional regulations apply for playground equipment and tree houses:
 - a. Additional Setback requirements for Playground Equipment and tree houses.
 - i. For platted Lots, Playground Equipment and tree houses must be located behind the out-building limit line, or the building limit line closest to the rear wall of the Main Building, established on the recorded plat containing the lot where such Playground Equipment or tree house is to be located, and a distance from the side lot line equal to the applicable Main Building Side Yard Setback requirement.
 - ii. For unplatted parcels and platted parcels with no out-building limit line or building limit line, Playground Equipment and tree houses must be located behind a line running parallel to the rear property line, which line shall be located a distance equal to 25 percent of the average distance from the rear property line to the front property line. Such Playground Equipment must also be located a distance from the side lot line equal to the applicable Main Building Side Yard Setback requirement.
 - b. Screening for Playground Equipment. Playground Equipment shall be screened from view from the public street to achieve a complete visual barrier to the height provided herein. Such screening shall be at least six feet in height, and shall consist of a combination of stone or masonry walls and evergreen landscaping, berms or other methods approved by the Code Official. Any Playground Equipment exceeding eight feet in height must be completely screened with evergreen landscaping to the height of the Playground Equipment, in addition to any walls that may be used to screen the Playground Equipment. Evergreen landscaping or other methods

approved by the Code Official shall also be installed between the Playground Equipment and any adjacent or abutting property owners to provide a noise barrier. Except where sidewalks, evergreen landscaping, or other landscaping approved by the code official exist, lawn quality natural grass must cover the entire property between the public street and the wall facing the street.

c. *Additional requirements for tree houses.*

- i. *Developmental regulations.* Tree houses may not exceed 14 feet in height and may not exceed 100 square feet in area.
- ii. *Screening requirements.* Tree houses shall be screened from view from the public street to achieve a visual barrier to the height provided herein. Such screening shall be at least six feet in height and shall consist of a combination of stone or masonry walls and evergreen landscaping, berms or other methods approved by the city code official. Any tree houses exceeding eight feet in height must be completely screened with evergreen landscaping to the height of the tree house, in addition to any walls that may be used to screen the tree house. Evergreen landscaping or other methods approved by the city code official shall also be installed between the tree house and any adjacent or abutting property owners to provide a noise barrier. Except where sidewalks, evergreen landscaping, or other landscaping approved by the code official exist, lawn quality natural grass must cover the entire property between the public street and the wall facing the street.

Sec. 50-168. Portable Buildings.

Portable Buildings are Accessory Buildings that are allowed in all Zoning Districts and that do not require a Permit. Portable Buildings are subject Section 50-158 (except that they do not require a Permit) and the following:

- (1) Portable Buildings may not be located in a Front Yard. Portable Buildings may be located only in a Rear Yard or Side Yard.
- (2) Portable Storage Buildings and Portage Storage Containers for temporary storage purposes are addressed in Section 8-65.
- (3) Any Building that is moveable but that is larger than a Portable Building requires a Conditional Use Permit.

Sec. 50-169. Sports Courts.

Sports Courts are Accessory Structures that are allowed only in the E-1 Estate District, the E-2 Urban Estate District, and the U-4 Church District by Conditional Use Permit. Sports Courts are prohibited in all other Zoning Districts.

Where allowed, Sports Courts are subject to Section 50-158 and the following:

(1) *Building Permit required.* In addition to the Conditional Use Permit required by Section 50-158, the applicable Permit must be obtained for any hard surface area, slab, wall, fence, enclosure or other Structure, as required by this Chapter.

(2) *Landscaping required; Planting Plan.* Sports Courts must be screened from view from the street or any public way by landscaping. For installation of a Sports Court, the application for a Building Permit must be accompanied by a Planting Plan, as defined by Section 50-300 of this Code, which includes graphic and written criteria of plant placement, plant specification of type, sizing, and spacing and other features to comply with the provisions of this Section. The Planting Plan will be reviewed as part of the Building Permit review processes. A Building Permit will not be issued until the Planting Plan has been reviewed, approved, and made a part of the Building Permit file. The Planting Plan may be included in a site plan or other construction document.

(3) *Location and Setbacks.* Sports Courts may be constructed only in the Rear Yard or Side Yard of a Lot.

(4) *Fencing.* Any fence enclosing a Sports Court must comply with the requirements set out in Article VI, Chapter 8 of this Code as to height and appearance. Notwithstanding such requirements, the portion of any fence that exceed six feet in height must be open fencing.

(5) *Lighting.*

a. *General.* Sports Court lighting must comply with the requirements set out in Division 9, Article II of this Chapter.

b. *Hours of illumination.* Sports Courts lights may not be on at any time on any given day from one-half hour after sunset to one-half hour before sunrise.

(6) *No commercial use.* A Conditional Use Permit issued by the City for a Sports Court is for the sole use and enjoyment of the Property Owner, such owner's tenants and guests. A Sports Court may not be used for any commercial purpose.

(7) *Existing Sports Courts.* Sports Courts existing as of the effective date of this Division must comply with the provisions in this Section applicable to operation and maintenance of Sports Courts.

Sec. 50-170. Swimming Pools.

Swimming Pools are Accessory Structures that are allowed by Swimming Pool Permits in the Residential Zoning Districts. Where required by this Code, a Certificate of Approval from the Building Commission may also be required. Swimming Pools are subject to Section 50-158 and the requirements set out in Article VII, Chapter 8 of this Code.

Sec. 50-171. Enforcement.

The provisions of this Division shall be enforced by the Code Official, and it shall be unlawful for any person to interfere with or hinder the Code Official and his/her duly appointed representative(s) in the exercise of their duties under this Chapter. Notwithstanding any provisions contained herein to the contrary, the Code Official and his/her duly appointed representative(s) are hereby granted the authority to issue citations to persons violating any provision of this Division.

Sec. 50-172. Nuisance declared; violation.

Any Accessory Building, Accessory Structure or Accessory Use maintained or existing in a condition that is prohibited by this Division is hereby declared to constitute a nuisance. Any person who shall violate any of the provisions of this Division shall also be guilty of an offense, and upon conviction thereof, shall be pushed as provided in Section 1-17. The imposition of penalties hereby proscribed shall not preclude the City from instituting appropriate action to restrain, correct or abate a violation of this Section as provided for in this Code.

Section 3. Section 50-29 is hereby amended, with new language underlined, to wit:

Sec. 50-29. Setback requirements for corner Lots.

(b) Notwithstanding anything to the contrary contained in this Code:

- (4) Accessory Buildings, Accessory Structures, and Accessory Uses less than 14 feet in height shall comply with the Setback requirements of the Setback plan and Accessory Buildings, Accessory Structures, and Accessory Uses 14 feet or greater in height shall comply with the Setback requirements of the Setback plan plus one foot of additional Setback for each full foot of additional Building height greater than 14 feet.

Section 4. Section 50-47 is hereby amended, with deleted language stricken through and new language underlined, to wit:

Sec. 50-47. E-1 Estate District.

(c) *Conditional uses.*

(2) Accessory Buildings, Accessory Structures, and Accessory Uses which are subject to Section 50-132 Division 6 of this Article and the following:

- a. No Accessory Building, Accessory Structure or Accessory Use shall be located in front of the Main Building, except fences, walls, and flag poles, as permitted in this Chapter; provided, where a Lot with a Main Building has been combined with an abutting or adjacent vacant Lot, ~~the following additional regulations shall apply: (1) I~~ in no case shall any Accessory Building, Accessory Structure or Accessory Use on what was the vacant Lot be located in front of the Main Building on any abutting or adjacent Lot.

~~(2) Additional Setback requirements for Playground Equipment and tree houses:~~

- ~~i. For platted Lots, playground equipment, as defined in section 8-488 of this Code, and tree houses must be located behind the out Building limit line, or the Building limit line closest to the rear wall of the Main Building, established on the recorded plat containing the Lot where such playground equipment or tree house is to be located, and a distance from the side Lot line equal to the applicable Main Building Side Yard Setback requirement.~~
 - ~~ii. For unplatted parcels and platted parcels with no out Building limit line or Building limit line, playground equipment, as defined in section 8-488 of this Code, and tree houses must be located behind a line running parallel to the rear property line, which line shall be located a distance equal to 25 percent of the average distance from the rear property line to the front property line. Such playground equipment must also be located a distance from the side Lot line equal to the applicable Main Building Side Yard Setback requirement.~~
- ~~(3) Playground equipment, as defined in section 8-488 of this Code, shall be screened from view from the public street to achieve a complete visual barrier to the height provided herein. Such screening shall be at least six feet in height, and shall consist of a combination of stone or masonry walls and evergreen landscaping, berms or other methods approved by the city code official. Any playground equipment exceeding eight feet in height must be completely screened with evergreen landscaping to the height of the~~

~~playground equipment, in addition to any walls that may be used to screen the playground equipment. Evergreen landscaping or other methods approved by the city code official shall also be installed between the playground equipment and any adjacent or abutting property owners to provide a noise barrier. Except where sidewalks, evergreen landscaping, or other landscaping approved by the code official exist, lawn quality natural grass must cover the entire property between the public street and the wall facing the street.~~

~~(4) Additional requirements for tree houses.~~

- ~~i. *Developmental regulations.* Tree houses may not exceed 14 feet in height, and may not exceed 100 square feet in area.~~
- ~~ii. *Screening requirements.* Tree houses shall be screened from view from the public street to achieve a visual barrier to the height provided herein. Such screening shall be at least six feet in height, and shall consist of a combination of stone or masonry walls and evergreen landscaping, berms or other methods approved by the city code official. Any tree houses exceeding eight feet in height must be completely screened with evergreen landscaping to the height of the tree house, in addition to any walls that may be used to screen the tree house. Evergreen landscaping or other methods approved by the city code official shall also be installed between the tree house and any adjacent or abutting property owners to provide a noise barrier. Except where sidewalks, evergreen landscaping, or other landscaping approved by the code official exist, lawn quality natural grass must cover the entire property between the public street and the wall facing the street.~~

- b. No Accessory Building, Accessory Structure or Accessory Use shall exceed the height of the Main Building.
- c. Accessory Buildings, Accessory Structures, and Accessory Uses shall be included in the Lot Coverage calculations, unless expressly excluded by Division 6 of this Article, and are subject to the development regulations of this District.
- d. Accessory Buildings, Accessory Structures, and Accessory Uses shall be a minimum of ten feet from the Main Building.

(2) Accessory Structure to be used as a guard shack associated with a private country club or golf course.

(d) *Uses subject to review.*

- (1) Private club, which includes a country club and golf course, and all associated Buildings and Structures used in connection with such private club, including

Sports Courts.

(2) [Reserved.]

(e) *Development regulations.*

(1) *General.*

- a. In no case shall a Main Building, Secondary Building, ~~or~~ Accessory Building, Accessory Structure or Accessory Use be located over a utility easement.

(3) *Side Yard Setback.*

- b. Accessory Buildings, Accessory Structures or Accessory Uses: less than 14 feet in height: Six feet;
- c. Accessory Buildings, Accessory Structures or Accessory Uses 14 feet or more in height: Six feet, plus one foot for each full foot of additional Building Height greater than 14 feet;

(4) *Rear Yard Setback.*

- b. Accessory Buildings, Accessory Structures or Accessory Uses less than 14 feet in height: Ten feet.
- c. Accessory Buildings, Accessory Structures or Accessory Uses 14 feet or more in height: Ten feet, plus one foot for each full foot of additional ~~Building~~ height greater than 14 feet.

(8) *Maximum ~~Building~~ Height.*

- a. Accessory Buildings, Accessory Structures or Accessory Uses: 25 feet.

Section 5. Section 50-48 is hereby amended, with deleted language stricken through and new language underlined, to wit:

Sec. 50-48. E-2 Urban Estate District.

(c) Conditional uses.

(2) Accessory Buildings, Accessory Structures, and Accessory Uses which are subject to ~~Section 50-132~~ Division 6 of this Article and the following:

- a. No Accessory Building, Accessory Structure or Accessory Use shall be located in front of the Main Building, except fences, walls, and flag poles, as permitted in this Chapter; provided, where a Lot with a Main Building has been combined with an abutting or adjacent vacant Lot, ~~the following additional regulations shall apply: (1) I~~ in no case shall any Accessory Building, Accessory Structure or Accessory Use on what was the vacant Lot be located in front of the Main Building on any abutting or adjacent Lot.

~~(2) Additional Setback requirements for Playground Equipment and tree houses:~~

- ~~i. For platted Lots, playground equipment, as defined in section 8-488 of this Code, and tree houses must be located behind the out Building limit line, or the Building limit line closest to the rear wall of the Main Building, established on the recorded plat containing the Lot where such playground equipment or tree house is to be located, and a distance from the side Lot line equal to the applicable Main Building Side Yard Setback requirement.~~
- ~~ii. For unplatted parcels and platted parcels with no out Building limit line or Building limit line, playground equipment, as defined in section 8-488 of this Code, and tree houses must be located behind a line running parallel to the rear property line, which line shall be located a distance equal to 25 percent of the average distance from the rear property line to the front property line. Such playground equipment must also be located a distance from the side Lot line equal to the applicable Main Building Side Yard Setback requirement.~~
- ~~(3) Playground equipment, as defined in section 8-488 of this Code, shall be screened from view from the public street to achieve a complete visual barrier to the height provided herein. Such screening shall be at least six feet in height, and shall consist of a combination of stone or masonry walls and evergreen landscaping, berms or other methods approved by the city code official. Any playground equipment exceeding eight feet in height must be completely screened with evergreen landscaping to the height of the~~

~~playground equipment, in addition to any walls that may be used to screen the playground equipment. Evergreen landscaping or other methods approved by the city code official shall also be installed between the playground equipment and any adjacent or abutting property owners to provide a noise barrier. Except where sidewalks, evergreen landscaping, or other landscaping approved by the code official exist, lawn quality natural grass must cover the entire property between the public street and the wall facing the street.~~

~~(4) Additional requirements for tree houses.~~

- ~~i. *Developmental regulations.* Tree houses may not exceed 14 feet in height, and may not exceed 100 square feet in area.~~
- ~~ii. *Screening requirements.* Tree houses shall be screened from view from the public street to achieve a visual barrier to the height provided herein. Such screening shall be at least six feet in height, and shall consist of a combination of stone or masonry walls and evergreen landscaping, berms or other methods approved by the city code official. Any tree houses exceeding eight feet in height must be completely screened with evergreen landscaping to the height of the tree house, in addition to any walls that may be used to screen the tree house. Evergreen landscaping or other methods approved by the city code official shall also be installed between the tree house and any adjacent or abutting property owners to provide a noise barrier. Except where sidewalks, evergreen landscaping, or other landscaping approved by the code official exist, lawn quality natural grass must cover the entire property between the public street and the wall facing the street.~~

- b. No Accessory Building, Accessory Structure or Accessory Use shall exceed the height of the Main Building.
- c. Accessory Buildings, Accessory Structures, and Accessory Uses shall be included in the Lot Coverage calculations, unless expressly excluded by Division 6 of this Article, and are subject to the development regulations of this District.
- d. Accessory Buildings, Accessory Structures, and Accessory Uses shall be a minimum of ten feet from the Main Building.

(e) *Development regulations.*

(1) *General.*

- a. In no case shall a Main Building, Secondary Building, or Accessory

Building, Accessory Structure or Accessory Use be located over a utility easement.

(3) *Side Yard Setback.*

- b. Accessory Buildings, Accessory Structures or Accessory Uses: less than 14 feet in height: Six feet;
- c. Accessory Buildings, Accessory Structures or Accessory Uses 14 feet or more in height: Six feet, plus one foot for each full foot of additional Building Height greater than 14 feet;

(4) *Rear Yard Setback.*

- b. Accessory Buildings, Accessory Structures or Accessory Uses less than 14 feet in height: Ten feet.
- c. Accessory Buildings, Accessory Structures or Accessory Uses 14 feet or more in height: Ten feet, plus one foot for each full foot of additional ~~Building~~ height greater than 14 feet.

(8) *Maximum ~~Building~~ Height.*

- a. Accessory Buildings, Accessory Structures or Accessory Uses: 25 feet.

Section 6. Section 50-49 is hereby amended, with deleted language stricken through and new language underlined, to wit:

Sec. 50-49. R-1-75 Single-Family Residential District.

(c) *Conditional uses.*

(2) Accessory Buildings, Accessory Structures, and Accessory Uses which are subject to ~~Section 50-132~~ Division 6 of this Article and the following:

- a. No Accessory Building, Accessory Structure or Accessory Use shall be located in front of the Main Building, except fences, walls, ~~and flag poles, and fountains not exceeding 56 inches in height,~~ as permitted in this Chapter; provided, where a Lot with a Main Building has been combined with an abutting or adjacent vacant Lot, ~~the following additional regulations shall apply:~~ (1) ~~I~~ in no case shall any Accessory Building, Accessory Structure or Accessory Use on what was the vacant Lot be located in front of the Main Building on any abutting or adjacent Lot.

~~(2) Additional Setback requirements for Playground Equipment and tree houses.~~

- i. ~~For platted Lots, playground equipment, as defined in section 8-488 of this Code, and tree houses must be located behind the out Building limit line, or the Building limit line closest to the rear wall of the Main Building, established on the recorded plat containing the Lot where such playground equipment or tree house is to be located, and a distance from the side Lot line equal to the applicable Main Building Side Yard Setback requirement.~~

- ii. ~~For unplatted parcels and platted parcels with no out Building limit line or Building limit line, playground equipment, as defined in section 8-488 of this Code, and tree houses must be located behind a line running parallel to the rear property line, which line shall be located a distance equal to 25 percent of the average distance from the rear property line to the front property line. Such playground equipment must also be located a distance from the side Lot line equal to the applicable Main Building Side Yard Setback requirement.~~

~~(3) Playground equipment, as defined in section 8-488 of this Code, shall be screened from view from the public street to achieve a complete visual barrier to the height provided herein. Such screening shall be at least six feet in height, and shall consist of a combination of stone or masonry walls and evergreen landscaping, berms or other methods approved by the city code official. Any playground equipment exceeding eight feet in height must be completely screened with evergreen landscaping to the height of the playground equipment, in addition to any walls that may be used to screen the playground equipment. Evergreen landscaping or other methods approved by the city code official shall also be installed between the playground equipment and any adjacent or abutting property owners to provide a noise barrier. Except where sidewalks, evergreen landscaping, or other landscaping approved by the code~~

~~official exist, lawn quality natural grass must cover the entire property between the public street and the wall facing the street.~~

~~(4) Additional requirements for tree houses.~~

~~i. Developmental regulations. Tree houses may not exceed 14 feet in height, and may not exceed 100 square feet in area.~~

~~ii. Screening requirements. Tree houses shall be screened from view from the public street to achieve a visual barrier to the height provided herein. Such screening shall be at least six feet in height, and shall consist of a combination of stone or masonry walls and evergreen landscaping, berms or other methods approved by the city code official. Any tree houses exceeding eight feet in height must be completely screened with evergreen landscaping to the height of the tree house, in addition to any walls that may be used to screen the tree house. Evergreen landscaping or other methods approved by the city code official shall also be installed between the tree house and any adjacent or abutting property owners to provide a noise barrier. Except where sidewalks, evergreen landscaping, or other landscaping approved by the code official exist, lawn quality natural grass must cover the entire property between the public street and the wall facing the street.~~

- b. No Accessory Building, Accessory Structure or Accessory Use shall exceed the height of the Main Building.
- c. Accessory Buildings, Accessory Structures, and Accessory Uses shall be included in the Lot Coverage calculations, unless expressly excluded by Division 6 of this Article, and are subject to the development regulations of this District.
- d. No Accessory Building, Accessory Structure or Accessory Use shall have living or conditioned space above the ten-foot plate height.

(e) *Development regulations.*

(1) *General.*

- a. In no case shall a Main Building, ~~or Accessory Building,~~ Accessory Structure or Accessory Use be located over a utility easement.

(3) *Side Yard Setback.*

- b. Accessory Buildings, Accessory Structures or Accessory Uses: less than

14 feet in height: Six feet;

- c. Accessory Buildings, Accessory Structures or Accessory Uses 14 feet or more in height: Six feet, plus one foot for each full foot of additional ~~Building~~ height greater than 14 feet;

(4) *Rear Yard Setback.*

- b. Accessory Buildings, Accessory Structures or Accessory Uses shall be set back as follows:

1. Accessory Buildings, Accessory Structures, and Accessory Uses less than 14 feet in height: Ten feet;
2. Accessory Buildings, Accessory Structures, and Accessory Uses 14 feet or more in height. Ten feet plus two feet for each full foot of additional ~~Building~~ height greater than 14 feet.

(8) *Maximum ~~Building~~ Height.*

- a. Accessory Buildings, Accessory Structures or Accessory Uses: 22 feet.
1. Accessory Buildings will have a ten-foot maximum plate height measured from finished floor.
 2. The finished floor shall be permitted to be one foot above undisturbed surrounding grade. Anything higher than one foot shall be subtracted from the ten-foot plate height.
- b. No build envelope. No Accessory Building, Accessory Structure or Accessory Use is permitted within “no build” areas created as follows:
1. Establish a point at the side, and Rear Yard Setbacks, at the finished floor level then move vertically up ten feet to points “A.”
 2. At points “A” a 45 degree angle will be drawn to the point where it intersects with the maximum ~~Building~~ height which is point “B.”
 3. Connect points “A” and “B” to delineate a “no build” area on every side of the Structure.

- (13) Separation of Accessory Buildings, Accessory Structures, and Accessory Uses from Main Building. Accessory Buildings, Accessory Structures, and Accessory Uses must have a minimum separation of ten feet from the Main Building.

Section 7. Section 50-50 is hereby amended, with deleted language stricken through and new language underlined, to wit:

Sec. 50-50. R-1-60 Single-Family Residential District.

(c) *Conditional uses.*

- (2) Accessory Buildings, Accessory Structures, and Accessory Uses which are subject to ~~Section 50-132~~ Division 6 of this Article and the following:

- a. No Accessory Building, Accessory Structure or Accessory Use shall be located in front of the Main Building, except fences, walls, ~~and flag poles,~~ and fountains not exceeding 56 inches in height, as permitted in this Chapter; provided, where a Lot with a Main Building has been combined with an abutting or adjacent vacant Lot, ~~the following additional regulations shall apply:~~ (1) ~~I~~ in no case shall any Accessory Building, Accessory Structure or Accessory Use on what was the vacant Lot be located in front of the Main Building on any abutting or adjacent Lot.

~~(2) Additional Setback requirements for Playground Equipment and tree houses.~~

- ~~i. For platted Lots, playground equipment, as defined in section 8-488 of this Code, and tree houses must be located behind the out-Building limit line, or the Building limit line closest to the rear wall of the Main Building, established on the recorded plat containing the Lot where such playground equipment or tree house is to be located, and a distance from the side Lot line equal to the applicable Main Building Side Yard Setback requirement.~~
- ~~ii. For unplatted parcels and platted parcels with no out-Building limit line or Building limit line, playground equipment, as defined in section 8-488 of this Code, and tree houses must be located behind a line running parallel to the rear property line, which line shall be located a distance equal to 25 percent of the average distance from the rear property line to the front property line. Such playground equipment must also be~~

located a distance from the side Lot line equal to the applicable Main Building Side Yard Setback requirement.

- ~~(3) Playground equipment, as defined in section 8-488 of this Code, shall be screened from view from the public street to achieve a complete visual barrier to the height provided herein. Such screening shall be at least six feet in height, and shall consist of a combination of stone or masonry walls and evergreen landscaping, berms or other methods approved by the city code official. Any playground equipment exceeding eight feet in height must be completely screened with evergreen landscaping to the height of the playground equipment, in addition to any walls that may be used to screen the playground equipment. Evergreen landscaping or other methods approved by the city code official shall also be installed between the playground equipment and any adjacent or abutting property owners to provide a noise barrier. Except where sidewalks, evergreen landscaping, or other landscaping approved by the code official exist, lawn quality natural grass must cover the entire property between the public street and the wall facing the street.~~

- ~~(4) Additional requirements for tree houses:~~

- ~~i. *Developmental regulations.* Tree houses may not exceed 14 feet in height, and may not exceed 100 square feet in area.~~
- ~~ii. *Screening requirements.* Tree houses shall be screened from view from the public street to achieve a visual barrier to the height provided herein. Such screening shall be at least six feet in height, and shall consist of a combination of stone or masonry walls and evergreen landscaping, berms or other methods approved by the city code official. Any tree houses exceeding eight feet in height must be completely screened with evergreen landscaping to the height of the tree house, in addition to any walls that may be used to screen the tree house. Evergreen landscaping or other methods approved by the city code official shall also be installed between the tree house and any adjacent or abutting property owners to provide a noise barrier. Except where sidewalks, evergreen landscaping, or other landscaping approved by the code official exist, lawn quality natural grass must cover the entire property between the public street and the wall facing the street.~~

- b. No Accessory Building, Accessory Structure or Accessory Use shall exceed the height of the Main Building.
- c. Accessory Buildings, Accessory Structures, and Accessory Uses shall be included in the Lot Coverage calculations, unless expressly excluded by Division 6 of this Article, and are subject to the development regulations of this District.

- c. No Accessory Building, Accessory Structure or Accessory Use shall have living or conditioned space above the ten-foot plate height.

(e) *Development regulations.*

(1) *General.*

- a. In no case shall a Main Building, ~~or Accessory Building~~, Accessory Structure or Accessory Use be located over a utility easement.

(3) *Side Yard Setback.*

- b. Accessory Buildings, Accessory Structures or Accessory Uses: less than 14 feet in height: Six feet;
- c. Accessory Buildings, Accessory Structures or Accessory Uses 14 feet or more in height: Six feet, plus one foot for each full foot of additional ~~Building~~ height greater than 14 feet;

(4) *Rear Yard Setback.*

- b. Accessory Buildings, Accessory Structures or Accessory Uses shall be set back as follows:
1. Accessory Buildings, Accessory Structures, and Accessory Uses less than 14 feet in height: Ten feet;
 2. Accessory Buildings, Accessory Structures, and Accessory Uses 14 feet or more in height. Ten feet plus two feet for each full foot of additional ~~Building~~ height greater than 14 feet.

(8) *Maximum ~~Building~~ Height.*

- a. Accessory Buildings, Accessory Structures or Accessory Uses: 22 feet.
1. Accessory Buildings will have a ten-foot maximum plate height

measured from finished floor.

2. The finished floor shall be permitted to be one foot above undisturbed surrounding grade. Anything higher than one foot shall be subtracted from the ten-foot plate height.
- b. No build envelope. No Accessory Building, Accessory Structure or Accessory Use is permitted within “no build” areas created as follows:
1. Establish a point at the side, and Rear Yard Setbacks, at the finished floor level then move vertically up ten feet to points “A.”
 2. At points “A” a 45 degree angle will be drawn to the point where it intersects with the maximum ~~Building~~ height which is point “B.”
 3. Connect points “A” and “B” to delineate a “no build” area on every side of the Structure.

(12) Separation of Accessory Buildings, Accessory Structures, and Accessory Uses from Main Building. Accessory Buildings, Accessory Structures, and Accessory Uses must have a minimum separation of ten feet from the Main Building.

Section 8. Section 50-51 is hereby amended, with deleted language stricken through and new language underlined, to wit:

Sec. 50-51. R-2 Two-Family Residential District.

(c) *Conditional uses.*

- (1) ~~Secondary Buildings, subject to the following:~~
 - a. ~~A detached garage which exceeds a 450-square-foot Building footprint or a 20-foot Building height shall be considered a secondary Building.~~
 - b. ~~Secondary Buildings shall be subject to the development regulations for Main Buildings.~~
- (2) Accessory Buildings, Accessory Structures, and Accessory Uses which are subject to ~~section 50-132~~Division 6 of this Article and the following:

No Accessory Building, Accessory Structure or Accessory Use shall be located in front of the Main Building, except fences, walls, and flag poles

as permitted in this Chapter provided, where a Lot with a Main Building has been combined with an abutting or adjacent vacant Lot, ~~the following additional regulations shall apply:~~ (1) ~~I in no case shall any Accessory Building, Accessory Structure or Accessory Use on what was the vacant Lot be located in front of the Main Building on any abutting or adjacent Lot.~~

~~(2) Additional Setback requirements for Playground Equipment and tree houses.~~

~~i. For platted Lots, playground equipment, as defined in section 8-488 of this Code, and tree houses must be located behind the out-Building limit line, or the Building limit line closest to the rear wall of the Main Building, established on the recorded plat containing the Lot where such playground equipment or tree house is to be located, and a distance from the side Lot line equal to the applicable Main Building Side Yard Setback requirement.~~

~~ii. For unplatted parcels and platted parcels with no out-Building limit line or Building limit line, playground equipment, as defined in section 8-488 of this Code, and tree houses must be located behind a line running parallel to the rear property line, which line shall be located a distance equal to 25 percent of the average distance from the rear property line to the front property line. Such playground equipment must also be located a distance from the side Lot line equal to the applicable Main Building Side Yard Setback requirement.~~

~~(3) Playground equipment, as defined in section 8-488 of this Code, shall be screened from view from the public street to achieve a complete visual barrier to the height provided herein. Such screening shall be at least six feet in height, and shall consist of a combination of stone or masonry walls and evergreen landscaping, berms or other methods approved by the city code official. Any playground equipment exceeding eight feet in height must be completely screened with evergreen landscaping to the height of the playground equipment, in addition to any walls that may be used to screen the playground equipment. Evergreen landscaping or other methods approved by the city code official shall also be installed between the playground equipment and any adjacent or abutting property owners to provide a noise barrier. Except where sidewalks, evergreen landscaping, or other landscaping approved by the code official exist, lawn quality natural grass must cover the entire property between the public street and the wall facing the street.~~

~~(4) Additional requirements for tree houses.~~

~~i. *Developmental regulations.* Tree houses may not exceed 14 feet in height, and may not exceed 100 square feet in area.~~

ii. ~~Screening requirements.~~ Tree houses shall be screened from view from the public street to achieve a visual barrier to the height provided herein. Such screening shall be at least six feet in height, and shall consist of a combination of stone or masonry walls and evergreen landscaping, berms or other methods approved by the city code official. Any tree houses exceeding eight feet in height must be completely screened with evergreen landscaping to the height of the tree house, in addition to any walls that may be used to screen the tree house. Evergreen landscaping or other methods approved by the city code official shall also be installed between the tree house and any adjacent or abutting property owners to provide a noise barrier. Except where sidewalks, evergreen landscaping, or other landscaping approved by the code official exist, lawn quality natural grass must cover the entire property between the public street and the wall facing the street.

- b. No Accessory Building, Accessory Structure or Accessory Use shall exceed the height of the Main Building.
- c. Accessory Buildings, Accessory Structures, and Accessory Uses shall be included in the Lot Coverage calculations, unless expressly excluded by Division 6 of this Article, and are subject to the development regulations of this District.

(d) *Uses subject to review.*

- (1) Public or private recreation facilities.
- (2) Secondary Buildings, subject to the following:
 - a. A detached garage that exceeds a 450-square-foot Building footprint or a 20-foot Building height shall be considered a Secondary Building.
 - b. Secondary Buildings shall be subject to the development regulations for Main Buildings.

(e) *Development regulations.*

- (1) *General.*
 - a. In no case shall a ~~main or Accessory Building~~ Main Building, Secondary Building, Accessory Building, Accessory Structure or Accessory Use be located over a utility Easement.

(3) *Side Yard Setback.* The Main Building, Secondary Buildings, and Accessory Buildings, Accessory Structures, and Accessory Uses shall have a minimum Setback of six feet from all side property lines except as follows:

- a. Lots abutting a street shall have a Setback of 15 feet on the side abutting the street.
- b. Chimneys or fireplaces shall be permitted to encroach two feet into the required Side Yard on one side of the Building only.

(4) *Rear Yard Setback.*

- c. Accessory Buildings, Accessory Structures, and Accessory Uses shall be set back from the rear property line a distance of not less than ten feet, provided that, where an alley or drive along the rear of the Lot at least 20 feet in width provides access to the accessory Building, Accessory Structure or Accessory Use, there shall be no Rear Yard Setback requirement for the Accessory Building, Accessory Structure or Accessory Use;

Section 9. Section 50-52 is hereby amended, with deleted language stricken through and new language underlined, to wit:

Sec. 50-52. R-3 Multiple-Family Residential District.

(c) *Conditional uses.*

(1) Secondary Buildings, subject to the following:

- a. ~~A detached garage which exceeds a 450 square foot Building footprint or a 20 foot Building height shall be considered a secondary Building.~~
- b. ~~Secondary Buildings shall be subject to the development regulations for Main Buildings.~~

Accessory Buildings, Accessory Structures, and Accessory Uses which are subject to section 50-132 Division 6 of this Article and the following:

No Accessory Building, Accessory Structure or Accessory Use shall be located in front of the Main Building, except fences, walls, and flag poles as permitted in this Chapter provided, where a Lot with a Main Building has been combined with an abutting or adjacent vacant Lot, ~~the following additional regulations shall apply:~~ (1) ~~I~~ in no case shall any Accessory Building, Accessory Structure or Accessory Use on what was the vacant Lot be located in front of the Main Building on any abutting or adjacent Lot.

~~(2) Additional Setback requirements for Playground Equipment and tree houses:~~

- ~~i. For platted Lots, playground equipment, as defined in section 8-488 of this Code, and tree houses must be located behind the out Building limit line, or the Building limit line closest to the rear wall of the Main Building, established on the recorded plat containing the Lot where such playground equipment or tree house is to be located, and a distance from the side Lot line equal to the applicable Main Building Side Yard Setback requirement.~~
 - ~~ii. For unplatted parcels and platted parcels with no out Building limit line or Building limit line, playground equipment, as defined in section 8-488 of this Code, and tree houses must be located behind a line running parallel to the rear property line, which line shall be located a distance equal to 25 percent of the average distance from the rear property line to the front property line. Such playground equipment must also be located a distance from the side Lot line equal to the applicable Main Building Side Yard Setback requirement.~~
- ~~(3) Playground equipment, as defined in section 8-488 of this Code, shall be screened from view from the public street to achieve a complete visual barrier to the height provided herein. Such screening shall be at least six feet in height, and shall consist of a combination of stone or masonry walls and evergreen landscaping, berms or other methods approved by the city code official. Any playground equipment exceeding eight feet in height must be completely screened with evergreen landscaping to the height of the playground equipment, in addition to any walls that may be used to screen the playground equipment. Evergreen landscaping or other methods approved by the city code official shall also be installed between the playground equipment and any adjacent or abutting property owners to provide a noise barrier. Except where sidewalks, evergreen landscaping, or other landscaping approved by the code official exist, lawn quality natural grass must cover the entire property between the public street and the wall facing the street.~~
- ~~(4) Additional requirements for tree houses.~~

- i. ~~*Developmental regulations.* Tree houses may not exceed 14 feet in height, and may not exceed 100 square feet in area.~~
- ii. ~~*Screening requirements.* Tree houses shall be screened from view from the public street to achieve a visual barrier to the height provided herein. Such screening shall be at least six feet in height, and shall consist of a combination of stone or masonry walls and evergreen landscaping, berms or other methods approved by the city code official. Any tree houses exceeding eight feet in height must be completely screened with evergreen landscaping to the height of the tree house, in addition to any walls that may be used to screen the tree house. Evergreen landscaping or other methods approved by the city code official shall also be installed between the tree house and any adjacent or abutting property owners to provide a noise barrier. Except where sidewalks, evergreen landscaping, or other landscaping approved by the code official exist, lawn quality natural grass must cover the entire property between the public street and the wall facing the street.~~

- b. No Accessory Building, Accessory Structure or Accessory Use shall exceed the height of the Main Building.
- c. Accessory Buildings, Accessory Structures, and Accessory Uses shall be included in the Lot Coverage calculations, unless expressly excluded by Division 6 of this Article, and are subject to the development regulations of this District.

(d) *Uses subject to review.*

- (1) Private recreation facilities related to a permitted project, when such facilities are located outside of the envelope created by the existing primary and secondary Structures.
- (2) Congregate care housing or convalescent homes, provided that such proposed project sites shall have direct access to an arterial street.
- (2) Gated communities with controlled access through a security checkpoint or remote controlled gates.
- (3) Secondary Buildings subject to the following:
which
 - a. A detached garage that exceeds a 450-square-foot Building footprint or a 20-foot Building height shall be considered a Secondary Building.

b. Secondary Buildings shall be subject to the development regulations for Main Buildings.

(e) *Development regulations.*

- (1) *General.* Building Setback and Lot Coverage requirements shall conform to all platted Setback and Building lines as specified in section 8-4 or as follows, whichever is greater; provided that in no case shall a Main Building, Secondary Building, Accessory Building, Accessory Structure or Accessory Use be located over a utility easement.

- (3) *Side Yard Setback.* The Main Building, Secondary Buildings, ~~and~~ Accessory Buildings, Accessory Structures, and Accessory Uses shall have a minimum set back of ten feet from all side property lines, except as follows: a Lot abutting a street shall have a Setback of 15 feet on the side abutting the street.

- (4) *Rear Yard Setback.*

- b. Accessory Buildings, Accessory Structures, and Accessory Uses shall be set back from the rear property line a distance of not less than ten feet, provided that, where an alley or drive along the rear of the Lot of at least 20 feet in width provides access to the Accessory Building, Accessory Structure or Accessory Use, there shall be no Rear Yard Setback requirement for the Accessory Building, Accessory Structure or Accessory Use.

- (7) *Coverage.* Main Buildings, Secondary Buildings, ~~and~~ Accessory Buildings, Accessory Structures, and Accessory Uses shall cover no more than 80 percent of the Lot area within the platted or city-required Setback lines, whichever Setback is greater.

Section 10. Section 50-78 is hereby amended, with deleted language stricken through and new language underlined, to wit:

Sec. 50-78. U-4 Church District.

(c) *Conditional uses.*

- ~~(1) Secondary Buildings, subject to the Development Regulations for Main Buildings. A Building which exceeds 650 square feet in floor area shall be considered a secondary Building.~~

- (3) Accessory Buildings, Accessory Structures, and Accessory Uses which are subject to ~~section 50-130~~ Division 6 of this Article and the following: Accessory Buildings, Accessory Structures, and Accessory Uses shall be included in the Lot Coverage calculations, unless expressly excluded by Division 6 of this Article, and are subject to the development regulations of this District.

(d) *Uses subject to review.*

- (1) ~~Accessory Buildings and uses, including, but not limited to, storage of church vehicles such as buses.~~ Secondary Buildings subject to the following:
- a. Secondary Buildings shall be subject to the development regulations for Main Buildings.
 - b. A Building which exceeds 650 square feet in floor area shall be considered a Secondary Building.

(e) *Development regulations.*

(1) *General.*

- a. In no case shall a ~~main or Accessory Building~~ Main Building, Secondary Building, Accessory Building, Accessory Structure or Accessory Use be located over a utility Easement.

(3) *Side Yard Setback.*

- c. Church Building standards where the Side Yard line abuts a residentially zoned and developed district not under church ownership:
 1. Secondary Buildings, and Accessory Buildings, Accessory Structures, and Accessory Uses 25 feet or less in height shall have a ten-foot Setback;
 2. Secondary Buildings, and Accessory Buildings, Accessory Structures, and Accessory Uses over 25 feet in height shall have a 20-foot Setback.

- d. Where the Side Yard abuts another church or a property in a commercial Zoning District, Secondary Buildings, Accessory Buildings, Accessory Structures, and Accessory Uses shall have a ten-foot Setback.

- (4) *Rear Yard Setback.* All Main Buildings, Secondary Buildings, Accessory Buildings, Accessory Structures, and Accessory Uses shall be set back from the rear property line a distance of not less than 25 feet.

Section 11. Section 50-79 is hereby amended, with deleted language stricken through and new language underlined, to wit:

Sec. 50-79. C-1 Office District.

- (c) *Conditional uses.*

- ~~(1) Secondary Buildings, subject to the development regulations for Main Buildings.~~

- ~~(3 2) Accessory Buildings, Accessory Structures, and Accessory uses which are subject to Division 6 of this Article. and Structures, subject to section 50-132.~~

- (d) *Uses subject to review.*

- ~~(3) Accessory Buildings, Structures, and uses customarily incidental to the uses listed in this Section when located on the same Lot.~~ Secondary Buildings, which are subject to the Development Regulations for Main Buildings.

- (e) *Development regulations.*

- (1) *General.*

- a. In no case shall a Main Building, Secondary Building, or Accessory Building, Accessory Structure or Accessory Use be located over a utility easement.

Section 12. Section 50-80 is hereby amended, with deleted language stricken through and new language underlined, to wit:

Sec. 50-80. C-2 Retail Business District.

(c) *Conditional uses.*

- (1) ~~Secondary Buildings, subject to the development regulations for Main Buildings.~~
- (2) Accessory Buildings, Accessory Structures, and Accessory Uses customarily incidental to the uses listed in this Section when located on the same Lot.

(d) *Uses subject to review.*

- (5) Secondary Buildings, which are subject to the Development Regulations for Main Buildings.

(f) *Development regulations.*

- (1) *General.* Building Setback and Lot Coverage requirements shall conform to all platted Setback and Building lines as specified in section 8-4 or as follows, whichever is greater; provided that:
 - a. In no case shall a Main Building, Secondary Building, or Accessory Building, Accessory Structure or Accessory Use be located over a utility easement.

Section 13. Section 50-126 is hereby deleted in its entirety.

Section 14. Section 50-136 is hereby deleted in its entirety.

Section 15. All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 16. 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 17. 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 _____, 2023.

APPROVED by the Mayor of the City of Nichols Hills, Oklahoma, on the _____ day of _____, 2023.

ATTEST:

Mayor

City Clerk

Reviewed as to Form and Legality:

City Attorney