

1. Agenda

Documents:

[2021-11-02 PLANNING COMMISSION - PUBLIC AGENDA-1673.PDF](#)

2. Meeting Materials

Documents:

[2021-11-02 PLANNING COMMISSION - FULL AGENDA-1673.PDF](#)

AGENDA

Regular Meeting of the
Nichols Hills Planning Commission
Tuesday, November 2, 2021 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. October 5, 2021 Minutes
5. Public Hearings

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

- a. PUBLIC HEARING: An ordinance amending Section 50-126 of the Nichols Hills Code regarding notice requirements for special permits related to communication towers, antennas, and small wireless facilities; repealing all conflicting ordinances or parts of ordinances; providing for severability; and declaring an emergency.

- b. PUBLIC HEARING: An ordinance amending Section 50-188 and 50-372 of the Nichols Hills Code regarding drainage information required for Building Permit applications and Certificate of Approval applications; repealing all conflicting ordinances or parts of ordinances; providing for severability; and declaring an emergency.
- c. PUBLIC HEARING: An ordinance amending Chapter 50 of the Nichols Hills City Code regarding certain defined terms related to development; repealing all conflicting ordinances or parts of ordinances; providing for severability; and declaring an emergency.
- d. PUBLIC HEARING: Amendment to the Nichols Hills Building Commission Building Demolition, Design, and Construction Guidelines.

6. Adjournment

I certify that the forgoing was filed in the Office of the City Clerk at 9:33 AM on the 29th day of October, 2021 and posted in prominent view on the window at City Hall, 6407 Avondale Drive, at 9:45 AM on the 29th day of October, 2021; posted to the City of Nichols Hills website at <http://www.nicholshills.net> at 5:00 PM on the 29th of October, 2021; and transmitted by email at 5:00 PM on the 29th day of October, 2021 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

Regular Meeting of the
Nichols Hills Planning Commission
Tuesday, November 2, 2021 at 5:30 PM
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- b. PUBLIC HEARING: An ordinance amending Section 50-188 and 50-372 of the Nichols Hills Code regarding drainage information required for Building Permit applications and Certificate of Approval applications; repealing all conflicting ordinances or parts of ordinances; providing for severability; and declaring an emergency.
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City Clerk
City of Nichols Hills, Oklahoma

MINUTES

Regular Meeting of the
Nichols Hills Planning Commission
Tuesday, October 5, 2021 at 5:30 PM
City Hall, 6407 Avondale Drive
Nichols Hills, OK 73116

**Original agenda filed in the Office of the City Clerk at 9:06 AM on
the 1st day of October, 2021.**

1. Call to Order
2. Roll Call

Attendee Name	Title	Status	Arrived
Ron Byrne		Present	5:36 PM
Mike Biddinger		Present	
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. Sept 7, 2021 Minutes

MOTION: Gilbert moved to approve the September 7, 2021 minutes as presented. Franklin seconded the motion.

Attachment: October 5 2021 Minutes 1 (5463 : Oct 5, 2021 Minutes)

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

5. Public Hearings

Discussion, consideration, and possible recommendation of approval of the following:

- a. PUBLIC HEARING: The issuance of a special permit to T-Mobile, represented by Branch Communication, for the purpose of replacing and/or adding new antennas and other equipment on existing tower located in the 1800 block of Westminster, Nichols Hills, Oklahoma, and entering an agreement with respect to the same.

On behalf of T-Mobile, Mr. Mark Kesner presented the application to the Planning Commission members.

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

No others expressing a desire to be heard, the public hearing was closed.

MOTION: Franklin moved to recommend the City Council approve agenda item 5a as presented. Biddinger seconded the motion.

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

6. Items for Separate Vote

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

- a. Schedule of 2022 Regular Nichols Hills Planning Commission Meetings.

MOTION: Biddinger moved to approve agenda item 6a as presented. Franklin seconded the motion.

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

7. Adjournment

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

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

Chairman
Planning Commission
City of Nichols Hills, Oklahoma

City Manager
Planning Commission
City of Nichols Hills, Oklahoma

City Clerk
City of Nichols Hills, Oklahoma

Published in _____ on _____, 2021

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 50-126 OF THE NICHOLS HILLS CITY CODE REGARDING NOTICE REQUIREMENTS FOR SPECIAL PERMITS RELATED TO COMMUNICATION TOWERS, ANTENNAS, AND SMALL WIRELESS FACILITIES; 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 50-126 of the Nichols Hills City Code is hereby amended, with new language underlined, to wit:

Sec. 50-126, Special permits and uses subject to review.

(a) *Special permits authorized.* No lot or property shall be used for any purpose that is not specifically set out as a permitted use or a use subject to review in the district in which such lot or property is situated except upon the issuance of a special permit by the City Council. Applications for such special permits may be approved only after public hearings have been held thereon by the City-Planning Commission and the City Council in the manner and, except as set out in subsection (c), subject to the same notice requirements as are applicable to requested amendments of the zoning ordinance and boundaries of zoning use districts. After hearing any such application, the City-Planning Commission shall promptly report its recommendation to the City Council. City Council action required is a resolution approving a special permit.

(b) *Uses subject to review authorized.* Certain uses are listed in individual zoning district regulations as uses subject to review, because they may or may not be compatible with the surrounding land uses permitted in that district. In such cases the property owner shall make application, notice equal to the requirements for a special permit application described in subsection (a) of this Section shall be given, and the Planning Commission shall hold a public hearing and make a recommendation to the City Council. The application shall be accompanied by a site development plan and other evidence to show why the application is compatible with its surroundings. City Council action required is a resolution approving a use subject to review.

(c) *Notice requirements for communication towers, antennas, and small wireless facilities.* At least 15 days' notice of the date, time, and place of a hearing shall be published in a legal newspaper having general circulation within the City regarding applications for special permits for: (i) installation of communication towers or antenna on municipal-owned property pursuant to Sec. 50-127(c)(1), (c)(2), or (c)(3); (ii) installation and replacement of antennas and antenna arrays on existing communication tower and municipal water towers pursuant to Sec. 50-127(c)(4); and (iii) installation of small wireless facilities pursuant to Sec. 50-127(c)(5). In

addition, the City shall give at least 20 days' notice of public hearings for: (i) applications for special permits for installation of small wireless facilities by mailing notice to those property owners on whose lot frontage the applicant proposes to install facilities; and (ii) applications for special permits for the installation of communication towers or antenna on municipal-owned property by mailing notice to those property owners whose property abuts the subject municipal-owned property.

Notice of applications for special permits for new communication towers and new antenna on other than municipal-owned sites shall be as provided for in subsection (a) of this Section.

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

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

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

PASSED by the Council of the City of Nichols Hills, Oklahoma, on the ____ day of _____, 2021.

APPROVED by the Mayor of the City of Nichols Hills, Oklahoma, on the ____ day of _____, 2021.

ATTEST:

Mayor

City Clerk

Reviewed as to Form and Legality:

City Attorney

Published in _____ on _____, 2021

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTIONS 50-188 AND 50-372 OF THE NICHOLS HILLS CITY CODE REGARDING DRAINAGE INFORMATION REQUIRED FOR BUILDING PERMIT APPLICATIONS AND CERTIFICATE OF APPROVAL APPLICATIONS; 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 50-188 of the Nichols Hills City Code is amended as follows, with deleted language stricken through and new language underlined, to wit:

Sec. 50-188. Building permits.

(c) *Procedures.* Application for a Building Permit shall be made with the Director of Public Works on forms provided by the City. The applicant must have first obtained a Certificate of Approval from the Building Commission for the proposed construction if required by Article V of this Chapter. Administrative review of the application shall begin upon submittal of the complete application and the required application fee. To be considered complete, the following supporting information must accompany the application.

(1) *For single-family and two-family dwellings.*

- d. Post-construction ~~D~~ drainage information after permanent and final stabilization has taken place, including grading plans, to show that stormwater will be directed to the street, to an improved drainage structure in a recorded easement, or to natural drainage patterns at the rear or side of the lot, if requested by the City.

(2) *For multifamily (three or more), commercial, and public buildings, and all public and private institutional development.*

- c. Two copies of a plot plan, drawn to scale, showing the following information on one or more sheets:

8. A drainage plan, showing the size and location of existing and proposed stormwater structures, flood plain area if applicable, topographic contours at two-foot intervals, and post-construction drainage information after permanent and final stabilization has taken place, including proposed grading plans, to ~~direct~~ show that stormwater will be directed to the street, to a drainage structure in a recorded easement, or to natural drainage patterns at the rear or side of the lot. The City may require that stormwater detention be provided.

Section 2. Section 50-372 of the Nichols Hills City Code is amended as follows, with deleted language stricken through and new language underlined, to wit:

Sec. 50-372. Application for City.

Applications for Certificates of Approval shall be filed with the City on forms provided by the City Clerk. Two originals and a digital version of the application and all required documents must be submitted. Applications must be certified by the owner(s) of the property. The following attachments (the details for which are stated in the application form), and all other information required by the application form, must accompany the application:

(e) For all applications, a certification from the engineer who prepared the required drainage plan that, after construction and permanent and final stabilization has taken place, the proposed construction:

- (1) does not change the point of stormwater discharge; and
- (2) does not change the stormwater drainage from sheet flow to point discharge; and
- (3) does not increase the flow to exceed the capacity of existing underground drainage pipes to the street.

If such engineer cannot certify that (1) through (3) are true, written consent to such circumstances from all affected adjacent property owners must be attached to the application.

Further, the applicant must show the following, as applicable:

- (1) Zero increase in impervious surface area. If the increase in impervious surface area (defined below) from the existing lot configuration to the proposed lot configuration is equal to or less than zero square feet, the applicant must provide a site plan showing the impervious area square footage of both the current site and the proposed site, with clear dimensions such that the square footage of impervious surface area is verifiable. The site plan must also show grading contours and flow arrows indicating the lot's topography.
- (2) Increase in impervious surface area greater than zero square feet. If the increase in impervious surface area from the existing lot configuration to the proposed lot configuration is greater than zero square feet, the applicant must provide a site drainage plan, signed and sealed by a registered professional civil engineer, that delineates existing and proposed storm water runoff patterns. The site plan must also show grading contours and flow arrows indicating the lot's topography. If the site plan indicates an increase in stormwater runoff onto adjacent property, the applicant must also provide:
 - (a) site drainage calculations, signed and sealed by a registered professional civil engineer, showing the 100-year stormwater runoff for the historical and proposed layouts in all directions that affect adjacent properties; and
 - (b) a site plan indicating the proposed efforts to be taken such that, after construction and permanent and final stabilization has taken place, to direct stormwater will be directed to the street and/or storm sewer system and away from adjacent properties, such as yard drains and gutters. Any increase in point flows will not be permitted.

Impervious surface means a surface that is hard and impenetrable that does not allow stormwater infiltration into the underlying soil. Impervious surfaces include streets, roofs, parking areas, driveways, swimming pools, and walkways, any one of which are made of asphalt, concrete, brick, stone, or plastics.

For reference, *pervious surface* means a surface that allows the percolation of water into the underlying soil. Pervious surfaces include grass, mulched groundcover, planted areas, vegetated roofs, permeable paving, and porches and decks that are erected on pier foundations that maintain the covered lot surface's water permeability

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

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

Section 5. 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 _____, 2021.

APPROVED by the Mayor of the City of Nichols Hills, Oklahoma, on the ____ day of _____, 2021.

ATTEST:

Mayor

City Clerk

Reviewed as to Form and Legality:

City Attorney

Published in _____ on _____, 2021

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 50 OF THE NICHOLS HILLS CITY CODE REGARDING CERTAIN DEFINED TERMS RELATED TO DEVELOPMENT; 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 is amended as follows, with deleted language stricken through and new language underlined, to wit:

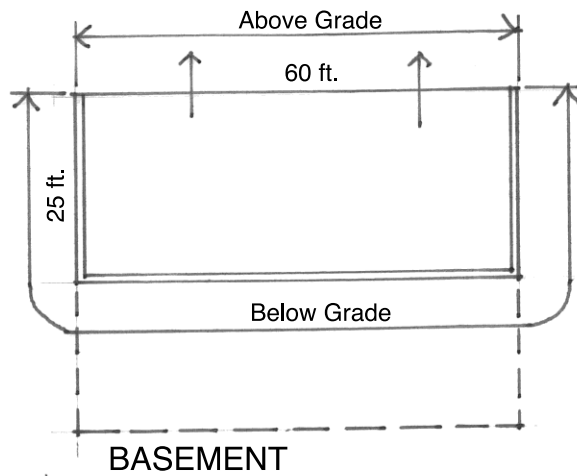
Sec. 50.3 Definitions.

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:

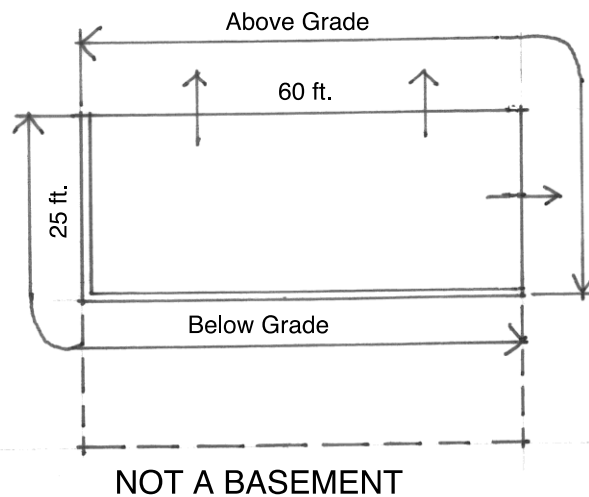
Attic means the space in a Building that is directly below the roof structure and that is unfinished, uninhabitable, and not air conditioned. The only permitted use of an Attic is storage. Attics are not included in Floor Area calculations.

Basement means the lowest Story of a Building, which may be partially or wholly below ground level. In order to be a Basement, the Story must have no more than 35% of its exterior perimeter wall above surrounding ground level. Basements are not included in Floor Area calculations.

BASEMENT SKETCH



Total Perimeter = 170 ft.
 Above Grade Perimeter = 60 ft.
 $60/170 = 35\% = \text{Basement}$



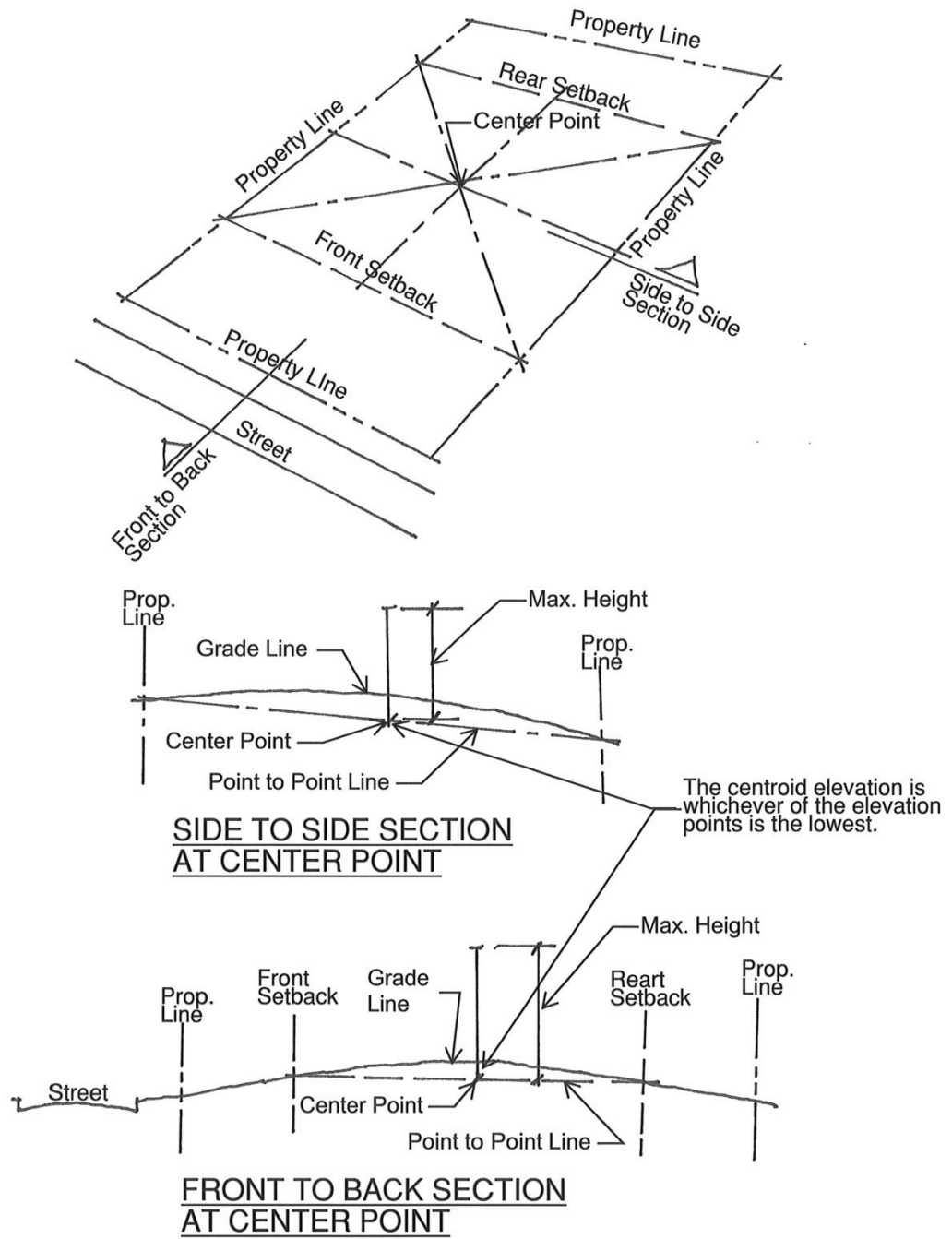
Total Perimeter = 170 ft.
 Above Grade Perimeter = 85 ft.
 $85/170 = 50\% = \text{Not a Basement}$

Buildable Area means that portion of a single parcel of land, determined by Setback lines, occupied or intended to be occupied by a Building or Structure. For a Main Building, the Buildable Area is that area between the Front Yard Setback line, the Rear Yard Setback line, and the Side Yard Setback lines. For Accessory Buildings, the Buildable Area is that area between the outbuilding limit line, the Rear Yard Setback line, and the Side Yard Setback lines. For Buildings in the R-1-75 and R-1-60 Residential Districts, the Buildable Area is that area between the Front Yard Setback line, the Side Yard Setback lines, and a measured line of 10'-0" parallel to the rear property line(s).

Building Height means the vertical distance from the ~~ground elevation~~ Centroid of the Lot, established prior to any filling or excavating operations, by locating the centroid of the proposed structure as it will be placed on the Lot and measuring to the horizontal plane intersected by the highest point of the structure Building. Chimneys and antennas shall not be considered as structural elements for the purpose of measuring Building Height. For additions and renovations to an existing Main Building, the maximum allowable Building Height is measured from the existing entry floor level as accepted by the Code Official.

Centroid means a point at the center of the Lot on undisturbed ground calculated by the following: Determine the front and Rear Yard Main Building Setbacks and the side property lines. Draw diagonal lines from each of these corners and where the lines cross is the centroid of the Lot on a Lot located in three dimensions at the center of the Lot. The center point of the Lot is determined by the intersection of diagonal lines drawn from the intersections of the Front Yard and Rear Yard Main Building Setbacks and the side property lines. The elevation of the Centroid is calculated by extending vertically from the center point of the Lot. The Centroid point is the elevation at the center of the Lot, determined by the lower of the following straight lines: (1) a straight line extended through the natural grade points at the median of the front and back Main Building Setbacks; and (2) a straight line extended through the natural grade points at the two side property lines.

CENTROID DEFINITION EXHIBIT



Floor Area, gross, means the sum of the gross horizontal areas of all of the floors of a Building or Buildings, measured from the ~~exterior faces of exterior walls~~ outside face of frame to the outside face of frame or from the centerline of walls separating the two Buildings, and including, but not limited to, the following spaces unless specifically excluded herein:

- (1) Elevator shafts and stairwells at each floor, to be calculated only once at ground level;
- (2) Habitable P penthouses;
- (3) Interior balconies, mezzanines, and enclosed covered Porches and enclosed steps;
- (4) Accessory Uses in enclosed covered space, but not including uncovered space used for off-street parking;

The following spaces are excluded from the calculation of Floor Area:

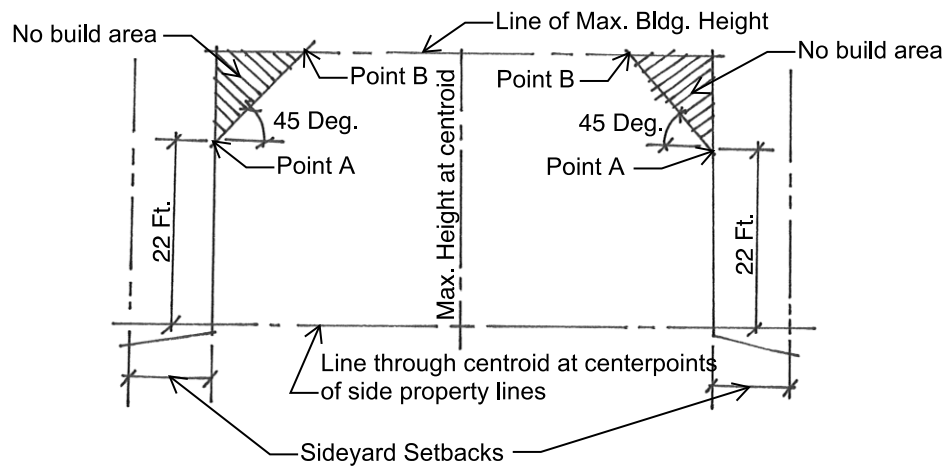
- (5~~1~~) Basements ~~shall be excluded from calculations;~~
- (6~~2~~) ~~Enclosed areas within a pitched roof but above the plate line of the structure shall be excluded from calculations~~ Attics;
- (7~~3~~) ~~Garages shall be excluded from calculations.;~~
- (4) Mechanical spaces.

Floor Area Ratio means a mathematical expression (~~gross floor area/buildable Lot Area = floor area ratio~~) determined by dividing the gross Floor Area of a Building by the Buildable Area of a the Lot, as determined by Setback lines, on which the Building is located. (Floor Area/buildable Lot Area = Floor Area Ratio.)

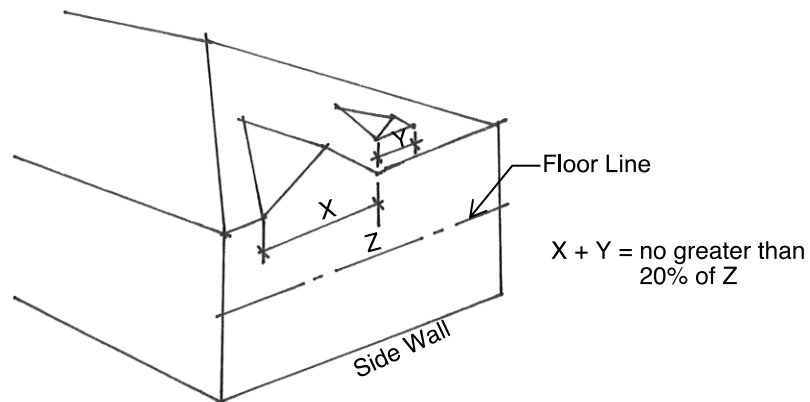
Lot Coverage means the percentage of the Buildable Area of a Lot which is covered by a roof or other Structure and is not open to the sky, calculated from outside face of frame to outside face of frame. Lot Coverage includes, but is not necessarily limited to, the Main Building, Secondary Buildings, Accessory Buildings, covered Porches and decks, covered terraces, Carports, and Porte Cochères. Lot Coverage does not include unenclosed swimming pools, unenclosed tennis or game courts, and driveways. The calculation of Lot Coverage must include roof overhang exceeding two feet beyond the supporting frame line.

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.

No Build Vertical Envelope Definition Exhibit



No Build Vertical Envelope



Exception to No Build Vertical Envelope

Sec. 2. Section 50-47 is amended as follows, 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 determined by creation of a ~~building~~ 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" triangle-shaped area~~ 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.

Sec. 3. Section 50-48 is amended as follows, with deleted language stricken through and new language underlined, to wit:

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

(e) *Development regulations.*

- (7) *Lot Coverage and Floor Area Ratio.* Maximum size and bulk of all permitted Structures shall be based on the following two criteria, neither of which shall be exceeded; provided however that for purposes of calculating Lot Coverage and Floor Area Ratio, a 40-foot Front Yard Setback and a ten-foot Rear Yard Setback shall be utilized notwithstanding any other provision of the Code to the contrary:

- a. *Lot coverage.* Shall cover no more than 30 percent of the Lot area within the Setback lines established in this district.
- b. *Floor Area Ratio.* Shall not exceed 0.35 or 110 percent of the ~~gross~~ Floor Area of the Main Building existing on October 1, 2010, as determined by the records of the County Assessor as of October 1, 2010, whichever is greater, provided that this 110 percent ~~gross~~ Floor Area provision shall only be applicable to the eight lots located at the following addresses:
 1. 6805 Avondale Drive;
 2. 1505 Buttram Road;
 3. 1500 and 1503 Dorchester Drive;
 4. 1506 Drury Lane;
 5. 1600 Elmhurst Ave;
 6. 7103 Nichols Road;
 7. 6905 N.W. Grand Blvd.

(8) *Maximum Building Height.*

- b. Maximum Main Building Height is determined by creation of a ~~building~~ 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" triangle-shaped area~~ 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.

Sec. 4. Section 50-49 is amended as follows, 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.*

- d. No-Build Vertical Envelope. No Main Building is permitted within "no build" areas created as follows: Create a ~~"no-build" area~~ No-Build Vertical Envelope 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~~ No-Build Vertical Envelope 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.

Sec. 5. Section 50-50 is amended as follows, 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.*

- d. No-Build Vertical Envelope. No Main Building is permitted within "no build" areas created as follows: Create a ~~"no-build" area~~ No-Build Vertical Envelope 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~~ No-Build Vertical Envelope 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.

Sec. 6. Section 50-78 is amended as follows, with deleted language stricken through, 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 ~~gross~~ floor area shall be considered a Secondary Building.

Sec. 7. Section 50-128 is amended as follows, with deleted language stricken through, to wit:

Sec. 50-128. Off-street parking regulations.

(a) *Parking Spaces required.*

- (1) Permanent off-street parking areas in the amount specified herein for each use or District shall be provided at any time a Building is constructed, or at the time a Building is enlarged or increased in capacity by adding Dwelling units, seats, floor area, or before conversion from one use to another.

- d. Office uses. One Parking Space for each 200 square feet of ~~gross~~ Floor Area.
- e. Retail business uses. One space for each 100 square feet of ~~gross~~ Floor Area, except in the South Plaza Commercial Parking District, where there will be no space requirements. All other parking requirements will remain in effect.

Sec. 8. Section 50-132 is amended as follows, with deleted language stricken through and new language underlined, to wit:

Sec. 50-132. Accessory Buildings and other Accessory Use regulations.

(a) *Accessory Buildings.*

- (4) Accessory buildings which exceed 144 square feet in ~~gross~~ Floor Area shall not be classified as portable buildings and shall be subject to the municipal Building Code.

Sec. 9. Section 50-136 is amended as follows, with deleted language stricken through, to wit:

Sec. 50-136. Home office use in residential zoning district.

(b) *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:

- (4) 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 ~~gross~~ Floor Area of the residence excluding outbuildings from the calculation of ~~gross~~ Floor Area;

Section 10. All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 11. 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 12. 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 _____, 2021.

APPROVED by the Mayor of the City of Nichols Hills, Oklahoma, on the ____ day of _____, 2021.

ATTEST:

Mayor

City Clerk

Reviewed as to Form and Legality:

City Attorney

**The Nichols Hills Building Commission
Building Demolition, Design, and Construction Guidelines**

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The Nichols Hills Building Commission Building Demolition, Design, and Construction Guidelines

I. Overview

The Building Commission. The Nichols Hills Building Commission was created by ordinance in 2019. Specifically, see Article V, *Building Commission*, in Chapter 50, *Zoning*, of the Nichols Hills City Code. Article V is referred to in these Guidelines as the “Building Commission Ordinance.” The Building Commission administers the City’s building moving, demolition, design, and construction review process for all of the City’s zoning districts. Specifically, the Building Commission reviews and determines whether to issue Certificates of Approval for proposed building moving or demolition and for many construction projects.

Who are the Building Commissioners? The Building Commission is made up of five Commissioners appointed by the City Council, two of whom must be residents of Nichols Hills. Commissioners are not paid for their service. The Building Commission Ordinance requires that at least two Commissioners be registered architects, landscape architects, urban planners, historic preservation consultants or engineers. One must be a general building contractor. If three or more of the Building Commission positions are vacant at any time, the Planning Commission serves as the Building Commission.

What types of projects require Certificates of Approval? Certificates of Approval are required to:

- move buildings
- demolish buildings
- construct a main building or a secondary building
- construct an addition (except certain minor additions) to an existing main building or secondary building

In addition, alterations to main buildings and secondary buildings require Certificates of Approval when the Nichols Hills City Code Official so determines during the building permit process.

The terms “building,” “main building,” “secondary building,” “addition,” and “alteration” are each defined by the Nichols Hills City Code in Section 50-3 and will be applied by the Building Commission as so defined. See Section IV, *Glossary*, of these Guidelines for these definitions.

Certain minor additions do not require review. Building Commission review is not required for minor additions to the first floors of main buildings when such additions are less than or equal to 15% of the total square footage of the existing building. However, such minor additions are only allowed once every ten years. Second and successive additions within such 10-year period require Building Commission review.

Applications for a Certificate of Approval to demolish or move a building must generally include an application for a Certificate of Approval for construction of a replacement building. The Nichols Hills City Code prohibits demolition of dwellings without approved plans for construction

of a replacement dwelling.¹ Further, if a building proposed for demolition is not a “dwelling,” the application for a Certificate of Approval to demolish or move that building must be accompanied by an application for a Certificate of Approval to construct a replacement building or must provide a description of the intended use of the property after the building is moved or demolished.

What types of projects do not require Certificates of Approval? Certificates of Approval are not required for:

- Repairs to existing buildings when such repairs do not require a building permit
- Building permits for fences, swimming pools, and accessory buildings or structures when such is the only work for which the building permit is sought – see Section 50-341(b)
- Construction in a Planned Unit Development (PUD)
- Construction of public improvements authorized by the City or a public trust having the City as its beneficiary

If you are unsure whether your proposed project requires a Certificate of Approval, you may contact the City Manager or the Code Official for guidance.

Certificates of Approval are required in advance of permit application. A Certificate of Approval from the Building Commission must be obtained before applying for a permit to move or demolish a building and before applying for a Building Permit for a construction project that requires a Certificate of Approval.

Consultation with the City in advance of filing an application for a Certificate of Approval is encouraged. Persons intending to file an application for a Certificate of Approval are encouraged to first contact the City about their proposed project.

Why does the City require Building Commission review and approval? The City’s building moving, demolition, design, and construction review process serves to meet many goals and to set high expectations that the City Council believes benefit the City and its residents, all intended to protect the property and privacy rights and aesthetic expectations of the City’s inhabitants. The guidelines are stated at Section 50-342 of the Building Commission Ordinance as follows:

- ***Development Regulations.*** Promote development planning in furtherance of the general descriptions and development regulations established for dwellings, churches, and commercial and office buildings in the respective Districts within the City, as described in Article II of this Chapter [Chapter 50 of the Nichols Hills City Code].
- ***Quality.*** Protect, preserve, and enhance the quality of the built environment by encouraging the highest standards in architectural and landscape design, building materials and workmanship, and aesthetic and proportional compatibility between new and existing buildings.

¹ Section 50-129, *Demolition or moving of dwellings; construction of replacement dwellings.*

- **Beauty.** Protect, preserve, and enhance the City as a place of timeless beauty, with many parks, open spaces, and well-kept beautiful residential landscapes in residential zoning districts.
- **Architectural Resources.** Encourage preservation, protection, renovation, and restoration of Architectural Resources whenever reasonably possible. [“Architectural Resources” are defined by the Building Commission Ordinance in Section 50-342 as “buildings that possess significant local interest or significant artistic or architectural merit, that are particularly representative of their class or period, or that are particularly important to the City’s history.”]
- **Privacy.** Ensure that architecture and landscaping respect the privacy of adjacent properties.
- **Proportionality.** Ensure that consideration is given to the proportionality of proposed buildings in relation to buildings on adjacent properties.

The Building Commission reviews applications to ensure proposed projects comply with the Nichols Hills City Code and these Guidelines. The Building Commission’s job is to review proposed projects to ensure they comply with the applicable requirements set out in Section 50-344 of the Building Commission Ordinance and these Guidelines.

Who is accountable to ensure compliance with the Nichols Hills City Code and Certificates of Approval? Both property owners and their contractors can be held accountable for noncompliance with the Nichols Hills City Code and the Building Commission’s decisions and directives. The penalties for noncompliance are significant and can include public nuisance declarations (and abatement as such), misdemeanor charges, and daily fines.²

In sum, Nichols Hills’ expectations are high with respect to when buildings may and may not be moved or demolished and with respect to construction of new main and secondary buildings and construction of additions to main and secondary buildings. These Guidelines are intended to help Nichols Hills’ residents and contractors working in Nichols Hills to understand what those expectations are and how best to meet them.

² Specifically, as to building moving and demolition, see Nichols Hills City Code Section 8-384, *Penalty for violations; enforcement*. See also Nichols Hills City Code Section 8-386, *Demolition by willful neglect unlawful*, and Section 8-387, *Incremental demolition without a demolition permit unlawful*, which hold building owners responsible if they effectively “demolish” their buildings by neglecting them or by incrementally destroying them. As to moving and demolition of dwellings, see Nichols Hills City Code Section 50-129(i). As to construction, see Nichols Hills City Code Section 50-346, *Public nuisance declared; violations and penalties*.

II. The Certificate of Approval Application and Building Commission Review Process³

- ***The application.*** The process begins by filing an application for a Certificate of Approval (the form for which is available on the City’s website) with the City Clerk. An application fee of \$750 is paid at that time. The application must be accompanied by all of the applicable documents set out in Section 50-372, *Application for Certificate of Approval* of the Building Commission Ordinance. Two originals and a digital version of the application and all required documents must be provided. A report certified by the Oklahoma County Assessor or a bonded abstractor stating the names, addresses, and contact information for the owners of property within a 300-foot radius of the proposed project is also required in order to notify those owners of the public hearing to be held regarding the application. The application form also requires that applicants attest that they have reviewed all plat restrictions, deed restrictions, declarations of covenants and restrictions, and platted setbacks filed of record in the Oklahoma County records applicable to their property and to affirm that, to the best of their knowledge, that the proposed project is or is not consistent with any such restrictions, as the case may be. (See Guideline B-2.4 below.)
- ***Building Commission public hearing.*** After the application is properly filed, the City will set the application for public hearing before the Building Commission. Advance notice of that hearing is given by newspaper publication, mailed notice to the applicant, and mailed notice to the property owners within a 300-foot radius of the proposed project. At the hearing, the applicant (or the applicant’s architect or general contractor) should be prepared to make a presentation regarding the proposed project.
- ***Standard and extent of review.*** The Building Commission reviews applications for Certificates of Approval to ensure that proposed projects meet the applicable requirements and guidelines in Section 50-344 of the Building Commission Ordinance and in these Guidelines. The Building Commission has discretion to determine whether to approve or disapprove an application for a Certificate of Approval. The Building Commission may also conditionally approve an application and require the applicant to return at another public hearing for additional consideration.
- ***Continuances.*** While applicants have the right to request continuances of the Building Commission hearings regarding applications for Certificates of Approval, continuances will not be granted if there has been no progress as to the application for six months. In such cases, the application will be deemed withdrawn.
- ***Appeals.*** Appeals from Building Commission decisions are properly taken to the Board of Adjustment.
- ***Expiration and extension.*** Once granted, Certificates of Approval expire two years from the date they are issued. Certificates of Approval may be extended one time for an additional two years. Extensions will not be granted if any aspect of the project is changed, in which case a new Certificate of Approval is required.

³ Details for this process are set out in Division 3, *Building Commission Review*, of the Building Commission Ordinance.

- **Revisions to Certificates of Approval.** After the Building Commission issues a Certificate of Approval, any change to the approved construction requires a new Certificate of Approval except for minor revisions to the construction which may be administratively approved. Minor revisions are revisions to the construction that: (1) modify no more than five percent of the project from the original Certificate of Approval; (2) are consistent with any conditions associated with the original Certificate of Approval; (3) do not significantly alter the construction previously approved; and (4) are in conformance with the Nichols Hills City Code and the intent of these Guidelines. See Sections 50-345 and 50-378 of the Nichols Hills City Code.

III. The Guidelines

A. The Building Moving and Demolition Guidelines

The Nichols Hills City Code addresses the moving and demolition of buildings in Article IX, *Building Moving and Demolition*, in Chapter 8, *Buildings and Building Regulations*. Additional requirements for buildings that are “dwellings,” are set out in Section 50-129, *Demolition of moving of dwellings; construction of replacement dwellings*. Applicants are encouraged to review these provisions before filing their applications. “Dwelling” is defined in Section 50-3 of the Nichols Hills City Code (see Section IV, *Glossary*, of these Guidelines).

The proposed moving or demolition of buildings will be reviewed by the Building Commission based on the following guidelines, in addition to applicable Nichols Hills City Code provisions.

A-1 Architectural Resources. Architectural Resources should generally not be moved or demolished, but rather should be properly preserved, protected, renovated, and/or restored. “Architectural Resources” are defined by the Building Commission Ordinance in Section 50-342 as “buildings that possess significant local interest or significant artistic or architectural merit, that are particularly representative of their class or period, or that are particularly important to the City’s history.”

A-2 Moving or demolishing dwellings; replacement dwellings required. Dwellings may not be moved or demolished until a replacement dwelling is approved as part of the Building Commission review process. See Nichols Hills City Code Section 8-378.

A-3 Moving or demolishing office or commercial buildings; replacement building or appropriate other use required. Buildings that are not dwellings, such as office and commercial buildings, should not be moved or demolished until a replacement building or other appropriate use of the property is approved as part of the Building Commission review process.

B. The Building Design and Construction Guidelines

Building design and construction is addressed in many Nichols Hills City Code provisions.⁴ Applicants should review all Nichols Hills City Code provisions applicable to the proposed project before filing an application. In addition to applicable Nichols Hills City Code provisions, proposed building projects that require a Certificate of Approval will be reviewed by the Building Commission based on the following guidelines.

1. Site design guidelines

Site design is the layout of proposed development on property, including the placement and orientation of buildings, landscape, and hardscape. One key element that defines visual character of an individual building and a neighborhood is how a building is located or placed on a site. A single building out of context with its site or neighboring buildings can appear disruptive. Site design should reinforce the local context of the natural and built environment. The unique quality of each site should be considered when designing projects. Careful consideration should be given to site specific qualities of natural topography, existing vegetation, drainage, and site access.

The Nichols Hills City Code contains many requirements regarding the design of building sites, including setback requirements that vary based on the District in which the property is located. Applicants must comply with those requirements. In addition, the following guidelines can help ensure that a construction project meets this important requirement.

B-1.1 Site development plans are required. A site development plan prepared by a licensed architect, landscape architect or professional engineer should be submitted with each application for a Certificate of Approval for new construction of buildings and for additions to or alterations of existing buildings.

B-1.2 Grading and drainage. Sites should be designed to minimize changes in grade and changes in existing drainage courses. A grading and drainage plan by a licensed civil engineer should be obtained and presented with the application for a Certificate of Approval, along with the certification required by the Building Commission Ordinance. The site design should provide for a final grade with a natural appearance, to be irrigated and sodded or seeded to prevent erosion. Drainage improvements should be designed to create a natural rather than a manufactured appearance. If downspouts are planned to be tied to an underground pipe that runs through the City's curb and onto a City street, this should be shown. As required by the Building Commission Ordinance, all applications for a Certificate of Approval must contain a certification from the engineer who prepared the required drainage plan that the proposed construction: (1) does not change the point of stormwater discharge; (2) does not change the stormwater drainage from sheet flow to point discharge; and (3) does not increase the capacity of drainage pipes. If such engineer cannot certify that (1) through (3) are true, written consent to such circumstances from all affected adjacent property owners must be attached to the application. See Section 50-372 (e).

⁴ See, for example, Chapter 8, *Buildings and Building Regulations*; Article III, *Flood Damage Prevention*, Chapter 20, *Environment*; Article III, *Fire Code*, Chapter 22, *Fire Prevention and Protection*; and Article II, *District Regulations*, Chapter 50, *Zoning*.

B-1.3 *Environmental setting and landscaping.* The environmental setting and landscaping should be considered in the site planning and structure placement process. Buildings and additions to buildings should be constructed to blend with the environment and natural land forms of the site, complementary to neighboring buildings. See Section 8 of these Guidelines.

B-1.4 *Soil tests.* Nichols Hills City Code Section 8-28, *Adoption of International Residential Code*, requires geotechnical evaluations of soil, signed and sealed by a licensed engineer, for certain new construction of dwellings and additions to existing dwellings. Specifically, subsection 4.401.4 of Section 8-28 states:

Notwithstanding the foregoing, geotechnical evaluations of soils signed and sealed by a licensed engineer are required for all new construction of structures of 3,000 square feet or more of air conditioned space (including additions of 3,000 square feet or more of air conditioned space to existing structures).

B1.5 *Spatial Relationship of Structures.* Sites should be designed such that all structures on the site are situated in a way that the entire site is harmonious as a complete project.

B-1.6 *Landscape guidelines.* Building sites should be designed in compliance with Nichols Hills City Code Section 50-133, *Landscaping*, and the guidelines for landscaping set out in Section 8 of these Guidelines.

B-1.7 *Block context.* Buildings should be integrated on the site development plan to be consistent with historical patterns on the block on which the property is located. Existing block patterns, such as the distance of buildings from the street and existing parking arrangements and patterns, will be considered by the Building Commission.

B-1.8 *Privacy.* The privacy of adjacent properties must be considered in site design. See Section 7 of these Guidelines.

B-1.9 *Existing vegetation and significant trees.* Sites should be designed to preserve significant and unique vegetation groups that contribute to the character of the site and the neighborhood. Site development plans should demonstrate a diligent effort to retain as many significant trees as possible. See Guideline B-8.11.

B-1.10 *Topography.* Sites should be designed to make use of existing topographic features to the extent possible.

B-1.11 *Exterior equipment.* Exterior equipment, such as garbage receptacles, mechanical and electrical equipment, including air conditioning equipment, should be architecturally integrated into the site design such that it will be screened from view from the street to the maximum extent reasonably possible.

B-1.12 *Adjacency to Architectural Resources.* The potential impacts of new and remodeled buildings in the vicinity of Architectural Resources should be carefully considered in order to not detract from the site of the Architectural Resource.

2. District compatibility guidelines

Nichols Hills is unique in that it is divided into distinct “Districts,” each with its own historical characteristics.⁵ There are six residential districts: the E-1 Estate District, the E-2 Urban Estate District, the R-1-75 Single-Family District, the R-1-60 Single-Family District, the R-2 Two-Family District, and the R-3 Multi-Family District. There are also three Commercial Districts: the Church District, the Office District, and the Retail Business District. And there are various other “special” districts, such as the Town Center Overlay District.

The Nichols Hills City Code sets out the permitted uses, conditional uses, uses that are subject to review by the City, and development regulations for each District. The development regulations specifically state various District requirements for construction, such as setbacks, lot size, lot coverage and floor area ratios, and maximum building height.

In addition, the Nichols Hills City Code provides a “general description” of each District. Following these “general descriptions” helps retain the character of Nichols Hills, even as new construction and development takes place. The following guidelines will be used in determining whether the District’s “general description” requirements are met.

B-2.1 Development should fall within the “general description” of the applicable District. Construction projects should be planned such that all development fits within the description for the applicable District. The residential District descriptions are as follows:

- **The Estate District.** All development in the Estate District should be compatible with an exclusive neighborhood of large single-family homes on large lots with considerable private open space and landscaping. Attached quarters for household employees are permitted. See Nichols Hills City Code Section 50-47, *E-1 Estate District*.
- **The Urban Estate District.** All development in the Urban Estate District should be compatible with an exclusive neighborhood of large single-family homes, both old and new, on larger than average lots with considerable private open space and landscaping. See Nichols Hills City Code Section 50-48, *E-2 Urban Estate District*.
- **The Single-Family Districts.** All development in the Single-Family Districts should be compatible with established single-family homes, with the R-1-75 District comprised of moderate-sized lots and the R-1-60 District comprised of smaller to moderate-sized lots. The pattern, style, quality, and character of these residences should be protected from encroachment by large homes with minimal open space constructed on small lots and by incompatible development. See Nichols Hills City Code Section 50-49, *R-1-75 Single Family Residential District* and Section 50-50, *R-1-60 Single Family Residential District*.
- **The Two-Family District.** All development in the Two-Family District should be compatible with the development standards similar to the single-family districts, with a high

⁵ See Article II, *District Regulations*, of Chapter 50, *Zoning*, in the City Code.

standard of light, air, and open spaces. See Nichols Hills City Code Section 50-51, *R-2 Two-Family Residential District*.

- ***The Multi-Family District.*** All development in the Multi-Family District, while being a higher density district with a more broad range of housing types, should provide for a high standard of light, air, and open spaces for all developments. See Nichols Hills City Code Section 50-52, *R-3 Multiple-Family Residential District*.

B-2.2 *Development in the Estate District warrants higher scrutiny.* As stated in the “general description” of the Estate District, this District represents a “significant contribution to the character and stability of the community” and thus warrants strict regulation. Development in the Estate District should be carefully and thoughtfully done, as it will be highly scrutinized by the Building Commission.

B-2.3 *Historical considerations as to number of stories for dwellings.* Some parts of the City were developed as restricted to one-story dwellings, whether pursuant to a since repealed One-Story Overlay, pursuant to plat restrictions or otherwise. To compile that data, the City Engineer created four maps, as follows:

- Map reflecting the boundaries of the historic one-story overlay district “OSO”
- Map reflecting where two-story homes have been built within that historic one-story overlay district
- Map showing current location of one-story and two-story homes – which indicates certain areas were developed as one-story homes only
- Map showing which platted subdivisions have restrictive covenants limiting construction to one-story homes

These maps should be considered during the site planning process. The Building Commission will consider these maps particularly if a project proposed to build a two-story home in an area that was historically required to be one-story and was originally developed as such.

B-2.4 *Plat restrictions and restrictive covenants.* The City is subdivided into 16 platted subdivisions. Most of those subdivisions are subject to plat restrictions and restrictive covenants filed of record in Oklahoma County which are private covenants running with the land and not enforceable by the City. Applicants are cautioned that regardless of the regulations contained in the City Code or in these Guidelines, there may also be more restrictive regulations in the form of plat restrictions, deed restrictions, declarations of covenants and restrictions, and platted setback lines which may further limit the use or development of a parcel. Applicants will be required to attest in the application for a Certificate of Approval that they have reviewed all such applicable restrictions and that to the best of their knowledge, the proposed project is or is not consistent with any such restrictions, as the case may be.

B-2.5 Notice. The Building Commission requires that in addition to notice required by the Building Commission Ordinance, notice of an application for a Certificate of Approval be given to all owners of property within a 300-foot radius of the exterior boundary of the subject property, such radius to be extended by increments of 100 linear feet until the list of property owners includes not less than ten individual property owners of separate parcels. In addition, a copy of the notice of hearing on the application for Certificate of Approval must be posted on the subject property for not less than ten days prior to the hearing. See Section 50-374 of the Nichols Hills City Code.

3. Proportionality: volume, bulk, massing, scale, and proportion guidelines

The Nichols Hills City Code Building Commission guidelines require that consideration be given “to the proportionality of proposed buildings in relation to buildings on adjacent properties.”⁶ Accordingly, the Building Commission requires that applicants provide a street-level front elevation for all street-facing sides, shown to scale, showing buildings and yards on either side of the proposed project.⁷ Proportionality of a proposed building to other buildings around it is an important consideration of the Building Commission when reviewing proposed projects.

Further, the Nichols Hills City Code’s “Development Regulations” state the minimum setback requirements for front, rear, and side yards; maximum lot coverage and floor area ratios that determine the maximum size and bulk of structures; minimum lot width at the front building line; and maximum building heights for each of the City’s Districts.⁸ While these regulations must be followed, it should be kept in mind that these provisions set the maximum allowances and minimum requirements.

Buildings should be compatible with neighboring buildings in terms of volume, bulk, and massing. And buildings should be proportionate to a “human scale,” with architectural features in proportion to one another. What do these terms mean?

- **Volume** is the quantitative three-dimensional measurement of a building’s height, width, and depth combined. Volume answers the question: how big is the building?
- **Bulk** is the qualitative visual perception of a building’s volume. Bulk is affected by variations in height, setbacks, and stepbacks of upper stories. Bulk answers the question: how big does the building seem to be (whether larger or smaller than its actual volume)?
- **Massing** is the overall volumetric size of the structure and its parts compared to other structures around it. Does the way the building is arranged make it seem to have more bulk?
- **Scale** is the qualitative proportional relationship of a building and its architectural elements and details to a definite unit of measure, which for the City is the “human scale.”

⁶ Section 50-344 (f) of the Nichols Hills City Code.

⁷ Section 50-372(b)(14) of the Nichols Hills City Code.

⁸ See Nichols Hills City Code Article II, *District Regulations*, Chapter 50, *Zoning*.

Scale is also the relative size of the building and its elements compared to other structures around it. Does the building fit well with human senses? Or is it “larger than life?”

- **Proportion** is the quantitative relative sizes and dimensions of architectural elements and details, as they relate to each other, to the entire building, and to other buildings in the vicinity. Are all the building’s features proportionate to one another? Is the building proportionate to other buildings around it?

The Building Commission will review each project for which a Certificate of Approval is sought based on the project’s volume, bulk, and massing to the surrounding buildings and open spaces in order to ensure that development is compatible with other development in the applicable District and on the applicable block. And the Building Commission will review the project to ensure it fits well within a “human scale” and that all architectural elements and details are proportional. The following guidelines should be followed to ensure that these requirements are met.

B-3.1 Proportionality as to surrounding buildings. A building’s volume, bulk, and mass should be proportionate to and compatible with that of neighboring buildings. While adjacent buildings may be larger than one another, proportionality is important to ensure that a particular area or block is visually appealing. A new building need not always be the same height as surrounding buildings but should relate to established rooflines. The height of a proposed building should generally be comparable in height to the height of surrounding buildings. See also B-2.3 *Historical considerations as to number of stories for dwellings.*

B-3.2 Proportionality as to the building itself. The architectural elements of a building should be in proportion to the overall size of the building. Bigger buildings may require bigger elements, such as doors, windows, archways, while smaller buildings may require smaller elements to remain proportional throughout. For example, even a small home may have windows or doors so different in size or shape relative to each other or to the home that they detract from the home’s appearance.

B-3.3 Mass. The mass of a building should be broken up in order to create interplay between the various building elements in a manner consistent with its architectural style.

B-3.4 Bulk. The appearance of a building’s bulk should be reduced to the extent possible. Bulk-reducing patterns should be created using doors and windows where possible and consistent with the architectural style. The highest portions of a structure should be set back from lot lines to reduce the appearance of bulk. The height of building elements should be varied where appropriate to the design.

B-3.5 Building height. Building height should be in proportion to the style and size of building, the lot area, buildings in the District, and buildings on the applicable block. See also Guideline B-2.3.

B-3.6 Plate heights. Tall plate heights (over 10 feet) should be avoided when they unnecessarily add to the volume of a building.

B-3.7 Two-story buildings. Where appropriate to the architectural style, consideration should

be given to architectural features that indicate where a first story ends and a second story begins when the structure is viewed from the street. Examples of appropriate floor delineations for some architectural styles include banding or rooflines. Consideration of the following criteria may be:

- the upper floors of a building should be proportionally smaller and shorter than the ground floor; avoid large flat walls by projecting and recessing sections;
- locate the mass of a second floor over the center of the building if possible;
- reduce bulk by using external finishes and ornamentation;
- and reduce bulk by lowering eave lines, varying height of roof elements, and increasing stepbacks of upper story additions.

On streets with a majority of one-story dwellings, new two-story dwellings may not have a single-story element on the prominent elevation. See also Guideline B-38.

B-3.8 *Two-story buildings adjacent to one-story buildings.* In some situations, a two-story will exist or be proposed to be constructed adjacent to a one-story building. In those situations, the two buildings should be compatible with one another. One way to make a two-story building more compatible with its single-story neighbors is to lower the eave line of the second-story roof. Lowering the eave line (i.e. bringing some portions of the roof down to the gutter or eave line of the first-story roof) also ties the two stories of a building together. Setting second stories back into the area of roof lines is often a solution to avoid impacting sunlight access, and it generally will lower the apparent height of the building. Lowering the eave line of the second-story roof can also reduce the apparent building volume, which may result in the scale of the building being more compatible with its neighborhood. Two-story buildings adjacent to one-story buildings should generally feature a single-story element. See also B-2.3 *Historical considerations as to number of stories for dwellings.*

B-3.9 *Human scale.* Architectural elements should provide a sense of “human scale” by including features such as visible front door entries, traditional porch features, decorative pedestrian gates, small and medium-sized windows, short fences, and few large “blank” architectural features.

B-3.10 *Lot coverage and floor area ratios.* A building’s size should be appropriate for the size of the lot, and the floor area of a building should be in scale with development on similarly-sized lots in the immediate area. A project with a floor area (size) substantially in excess of the floor area of the immediately surrounding properties will have the burden of demonstrating that the project cannot be viewed by surrounding property owners due to siting, or that its spatial volume when taken together with its lot size, setbacks, and landscaping make it compatible with similar surrounding properties.

B-3.11 *Garage door design and placement.* The design of garage doors should minimize the appearance of bulk, and the scale of the garage should be appropriate in comparison to the portion

of the building visible from the street. The ratio of garage frontage to the width of the building should not exceed 50%. Garage doors should have panels and windows to articulate large planes.

B-3.12 *Second-story decks.* Wall elements, guardrails, furniture, and outdoor fireplaces should not adversely contribute to the bulk and/or scale of the project.

B-3.13 *Covered porches, loggias, and covered decks.* Covered porches, loggias, and covered decks should enhance a building's design, appearance, and function and not contribute to excessive mass, scale, and bulk.

B-3.14 *Second-story setbacks.* Second-story volume should not negatively affect the streetscape or neighboring backyards or cause the building to appear bulky from the front or back of the building based on how the massing of the building is composed.

B-3.15 *Canyon effect.* How close the volume of a proposed second-story building will be to the volume of an adjacent property's existing second-story volume must be considered to avoid a "canyon effect" between the two buildings.

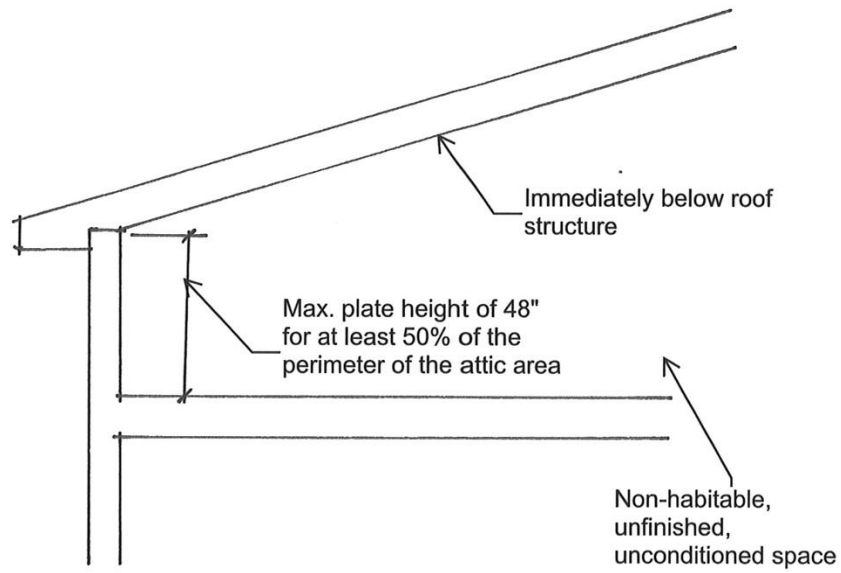
B-3.16 *Wall size.* Large expanses of wall should be avoided if they adversely contribute to a building's appearance of bulk. A building's volume should be articulated consistent with its architectural style, where possible. Wall heights should allow proportional human scale window and door details.

B-3.17 *Roof size and line.* Large expanses of roof should be avoided if they adversely contribute to a building's appearance of bulk. A building's massing should be changed, if possible, to avoid large expanse of a roof. Roof lines should be varied where appropriate to the design. Where appropriate, bring some portions of the roof down to the gutter or eave line of the first-story roof to reduce the apparent volume of the building.

B-3.18 *Grade manipulation.* Development should not manipulate existing or finished grade in order to conceal the actual size, bulk, and scale of the proposed building.

B-3.19 *Attics.* Attics are Section 50-3 of the Nichols Hills City Code. Attics are not included in Floor Area calculations. Generally, at least 50 percent of the space that is considered attic must have a plate height of 48-inches or less above the floor structure, as depicted below.

Attic Definition Exhibit



ATTIC SPACE

B-3-20 Basements. Basements are defined and depicted by Section 50-3 of the Nichols Hills City Code. Basements are not included in Floor Area calculations.

4. Quality of materials and workmanship guidelines

One of the most important goals of the Building Commission review process and these Guidelines is to encourage the highest standards in all aspects of construction, including the highest standards in building materials and workmanship and aesthetic compatibility between new and existing buildings. Nichols Hills has long been viewed as a city of high quality, well built, and beautiful homes. These Guidelines regarding quality of materials and workmanship serve to continue that important heritage.

Note that the Nichols Hills City Code includes various provisions that relate to the quality of materials and workmanship for all construction and development projects. As applicable, each of these regulations must be followed. In addition, the following guidelines should be used to determine whether the quality of materials and workmanship proposed for a project reaches the intention of the Nichols Hills City Code and these Guidelines.

B-4.1 Building materials and construction in general. Building materials should be of high quality and high durability, installed by experienced contractors registered with the City of Nichols Hills. The Nichols Hills City Code specifically sets out certain exterior building materials that are prohibited and some that are allowed. See Nichols Hills City Code Section 50-140, *Prohibited and allowed exterior building materials in residential districts*.

B-4.2 Contractors. Contractors must meet all of the requirements set out in the Nichols Hills City Code, including the requirement that they be registered with the City, but must also have an understanding of the expectations and goals set out in these Guidelines, as enforced by the Building Commission.

B-4.3 Foundations. All foundation work should be of the highest quality and workmanship. In accordance with any required geotechnical soil testing, the foundation and slab, must be based on the stamped instructions of a licensed architect or structural engineer's design.

B-4.4 Exterior building materials. Nichols Hills City Code Section 50-140, *Prohibited and allowed exterior building materials in residential districts*, sets out the prohibited and allowed exterior building materials in residential districts. As to all buildings, exterior finish materials generally should be brick, rock, stone, cast stone, cement stucco or other masonry material. All exterior materials should appear as structural elements of the building and not as superficial coverings. See also Nichols Hills City Code Section 50-140.

B-4.5 Additional generally prohibited materials. Metal as a building skin, including metal structures such as sheds, are generally prohibited. Mirrored glass and exposed concrete block are also not acceptable building materials. See also Nichols Hills City Code Section 50-140.

B-4.6 Roofing materials. Roofing shingles should be constructed of high-quality roofing materials such as slate, architectural or laminated asphalt, composite slate, clay tile, stone-coated

steel or wood, all of which must meet the Nichols Hills City Code's requirements as applicable. Eave closures, such as bird stops, if any, must be mortared with natural cement. See also Nichols Hills City Code Section 50-140.

B-4.7 Gutters, downspouts, flashing, and valleys. Gutters, downspouts, flashing, and valleys should be copper, lead-coated copper, powder-coated aluminum or baked enamel aluminum. All should be of a color to match the building's cornice (unless copper or lead-coated copper).

B-4.8 Windows. Windows should be wood, wood-clad, heavy-duty aluminum or steel. Burglar bars on the exterior of windows and doors are not permitted. Canvas awnings are generally not permitted. Shutters in a color, design, and size complimentary to the building exterior are generally acceptable.

B-4.9 Plumbing vents and Sheetmetal pipes. Where possible, plumbing vents and mechanical flue pipes should be installed so as not to be visible from the street and painted to match the roof color.

B-4.10 Chimneys. Chimneys should be structurally and substantially enclosed with an architecturally compatible material. Chimneys should be featured as architectural elements. Chimney caps must be decorative and spark arrestors must be concealed.

B-4.11 Retaining walls. Retaining walls should be engineered to perform the function that mandates their inclusion and constructed of concrete or concrete masonry unit (CMU). Where visible from the street, they should be built or veneered with materials that are the same as or complimentary to the exterior of the building.

B-4.12 Fences. Chain-link fence or fence containing extruded plastic or polyvinyl materials are generally prohibited. See Nichols Hills City Code Article VI, *Fences*, Chapter 8, *Buildings and Building Regulations*, for more requirements regarding fences.

B-4.13 Pergolas, gazebos, trellises, and arbors. Accessory structures such as pergolas, gazebos, trellises, and arbors should generally be constructed of heavy timber or wrought iron.

5. Architectural style guidelines

Architectural style can be defined as a consistent design theme that is manifested on the exterior form and decorative elements of a project. The many varieties of architectural styles in Nichols Hills—up to 34 different styles—are a contributing factor to the visual appeal of the City. While the Nichols Hills City Code does not mandate that buildings be of any particular architectural style, creating a cohesive and consistent architectural style throughout a project is important—the Nichols Hills City Code and these Guidelines require the highest standards in architectural design which begins with choosing an appropriate architectural style and applying that style consistently throughout a project. The following guidelines should be followed in determining and applying architectural style.

B-5.1 *Definite style and consistent design.* A definite architectural style should be chosen for a project, and that style should be consistently applied throughout the entire exterior of the building and any accessory structures on the site.

B-5.2 *Additions and alterations to existing buildings.* Additions to and alterations of existing buildings should be compatible with the existing architecture or the entire building should be remodeled in a single architectural style. The height and mass of additions may not adversely impact any adjacent structures.

B-5.3 *Roofing materials.* Roofing materials and color should be consistent with the building's architectural style.

B-5.4 *Architectural and structural elements.* Architectural elements, such as windows, doors, and cornices should create a rhythmic composition taking into consideration scale, style, and architectural proportion. These elements should be detailed to provide modulation, visual interest, and texture variations. Structural elements should be consistent with the best elements that distinguish the building's particular architecture, including volume, massing, scale, rooflines, colors, textures, and materials.

B-5.5 *Height and scale.* Building height and scale should be compatible with the architectural style of the house.

B-5.6 *Accessory structures.* The architectural style of accessory structures should be in an appropriate and well-designed relationship with the architectural style of the main building.

B-5.7 *Roof design.* Roof forms should be carefully planned for a well-designed and high-quality building. Roof patterns are created through the roof slope, materials, and massing of roofs. The mass of a roof and how it is articulated into different shapes contributes to the character of a building. See also Guideline B-3.7 and Guideline B-3.14.

- When planning a new building or second-story addition, begin with a primary roof form that is compatible with the District and the existing neighborhood.
- Additional roof forms should be architecturally compatible with the primary form's slope and material.
- Screen mechanical equipment and garbage / recycling containers.

6. Architectural features, materials, and color guidelines

Architectural features—such as doors, windows, terraces, porches, chimneys, dormers, skylights, railings, balconies, and architectural trim—and the color and texture of visible exterior building materials should be compositionally consistent with the mass, bulk, and scale of the building and its architectural style.

B-6.1 Proportionality. Architectural features should be proportionate to the overall building and to each other.

B-6.2 Ornamentation. Ornamentation should be applied to be consistent with the architectural style of the building. Ornamentation that will make the building appear overly decorated should be avoided.

B-6.3 Exterior materials and colors.

- Exterior materials and building colors should complement the architectural style of the building and be compatible with the exterior materials and building colors of buildings in the applicable District and buildings on the block in which the property is located.
- Exterior façade colors should be low reflectance, subtle, neutral or earth-tone colors.
- There should be a consistency and harmony of all materials, color, composition, and architectural detail on all sides of a structure.
- The Building Commission requires color samples if available at the time an application is submitted. If color samples are not then available, the Building Commission may condition issuance of a Certificate of Approval on its receipt of such color samples at a later date or assurance from the applicant as to what such colors will be.

B-6.4 Roofing materials. Roofing materials and color should be consistent with the building's architectural style.

B-6.5 Walls, fences, hedges, and gates. ⁹

- Fences, walls, and hedges, if any, should be integrated with the structures and setting, their heights should be proportional to their function and heavily landscaped.
- Walls, fences, and entrance gates and associated landscaping should not be visually intrusive to the neighborhood and designed to respect vehicular and pedestrian access and circulation.
- Large expanses of building walls, especially when combined with retaining walls, should be avoided.
- Where walls, fences, and entrance gates are visually proximate to structures on the site, they should be compatible with the design of the residential building.

⁹ See Nichols Hills City Code Article VI, *Fences*, Chapter 8, *Buildings and Building Regulations*, for more requirements regarding fences.

B-6.6 Skylights. Skylights should be consistent with and complementary to overall design of building. Aluminum skylight frames must be bronze anodized or otherwise treated to minimize light reflection. Skylights should be sited to avoid creating daytime glare or substantial night light visible from surrounding properties and from public view.

B-6.7 Paving. Large expanses of paved area throughout a property should be avoided in favor of breaking up paved areas with colored or textured materials, vegetation, and/or a more natural hardscape surface or accenting.

B-6.8 Main entries. Main entries should be visible from the street and contribute towards a friendly neighborhood experience.

7. Privacy Guidelines

The Nichols Hills City Code Building Commission guidelines require that all “architecture and landscaping respect the privacy of adjacent properties.”¹⁰ The following guidelines can help ensure that your construction project meets this important requirement. Also note that the Nichols Hills City Code requires sight-proof screening in some situations.

When considering the privacy required for adjacent properties, think about what the concerns would be if your next door neighbor or neighboring business was proposing to either build a new building or remodel or add on to an existing building. Incorporate those concerns into the design your project.

Residents should be provided with privacy both inside and outside their homes by utilizing site layout techniques such as alternating the placement of windows, rear yard outdoor patio areas, and entrances on adjacent lots. Windows on adjacent properties shall not be located directly across from each other.

When a project is reviewed, the Building Commission will be looking for general compliance with these privacy guidelines, as well as applicable sight-proof screening requirements in the Nichols Hills City Code. The Building Commission understands that, in some cases, strict compliance with privacy, landscaping, noise, and lighting guidelines may not be possible or necessary. However, in cases where a project’s design appears to raise potential significant issues that would not be posed with a suitable alternative project design more sensitive to adjacent properties, the Building Commission may deny the project. You should communicate to the Building Commission in a written statement how your project is generally consistent or is inconsistent with these privacy guidelines, as the case may be.

B-7.1 Visual distance. Buildings and additions to buildings should be located to increase visual distance between buildings. Avoiding large two-story building masses at the sides and rear of adjacent rear yards can help preserve privacy and sunlight access for your building and for neighboring properties. Rather than simply following the Nichols Hills City Code’s minimum setback standards, consider what a comfortable distance between a proposed addition and an

¹⁰ Nichols Hills City Code Section 50-344, *Purpose and intent of the building moving, demolition, design, and construction review process.*

existing neighbor's building would be. Also consider the pattern of building separation in the immediate neighborhood and design a project compatible with this pattern. Locate areas that require more privacy away from your neighbors. Orient active outdoor areas away from neighbors.

B-7.2 *Upper-Story decks and balconies.* Avoid or minimize the number of decks that overlook neighboring properties. Locate upper-story balconies and decks to minimize the loss of privacy for neighboring properties. Upper-story balconies or decks facing the street are usually preferable to upper-story balconies or decks facing a yard area adjacent to a neighbor. Techniques to lessen impacts to neighboring property privacy include the following:

- Meeting with neighbors adjacent to proposed upper-story balconies and decks prior to beginning the City application process is strongly encouraged.
- Screen second-story balconies and decks from neighboring property by incorporating architectural screening elements, such as enclosing walls, trellises or awnings. For example, effective enclosures might include walls over four feet and perimeter planters facing neighbor's side or rear yards.
- Locate second-story balconies and decks to avoid direct sight lines from the deck or balcony to neighbors' windows, open yard, patio, deck, and/or loggia areas.
- Set back upper-story decks or balconies over 20 square feet at least 15 feet from interior lot lines when possible.

B-7.3 *Upper-story windows.*

- Minimize the number of windows on proposed buildings that overlook neighboring properties. Orient upper-story windows to protect a neighbor's privacy.
- Place windows to avoid direct views into existing neighboring windows by offsetting or staggering windows facing neighbors' windows.
- Avoid large upper-story windows overlooking adjacent rear yards.
- Use frosted or semi-transparent window glass at necessary window locations felt to be invasive, allowing illumination while protecting privacy.
- Set back upper floors or increase side and rear setbacks to pull windows farther away from neighboring residences.

B-7.4 *Landscaping.* In addition to the requirements as to landscaping set out in Nichols Hills City Code Section 50-133, *Landscaping*, and the guidelines set out in Section 8 of these Guidelines, the following guidelines should be followed to promote the respect for the privacy of adjoining properties.

- Screening plants, such as hedges on side and rear property lines, should be considered to create privacy between neighbors.
- Keep existing vegetation that currently gives privacy to you or your neighbors.
- Use landscaping to screen outdoor living areas.
- Use evergreen trees and shrubs to provide year-round privacy.
- Include means for regulated and measured irrigation for all required planting materials. Avoid designs that require unnecessarily large quantities of the City's water. Design and maintain irrigation systems to avoid spraying onto or running off of driveways and City streets.
- When proposed window placement creates direct views between neighbors or their living areas, a mandatory installed screen, fence or landscape plan may be required to provide additional screening.

B-7.5 Noise. In addition to the prohibitions as to noise set out in Nichols Hills City Code Article V, *Offenses involving public peace and order*, Chapter 32, *Offenses*, the following guidelines should be followed to promote the respect for the privacy of adjoining properties.

- Orient active outdoor areas away from neighbors.
- Avoid placing noise sources at the sides of small lots or near neighboring windows of frequently used rooms (pool or air conditioning equipment, garbage can, parking areas, balconies, barbecue areas, spas, outdoor furniture, etc.).
- Retain or add walls that act as noise buffers.
- Equipment that runs on a regular basis and that must be attached to a structure should minimize noise impacts to neighboring properties. Consider locating air conditioning, pool, and other mechanical equipment as far from neighboring structures as possible and insulate equipment.

B-7.6 Lighting. Lighting is typically proposed for security and decorative reasons and should be designed in a way that it is not detrimental to neighboring properties. A good lighting plan for a building will provide sufficient light for adequate site security, will use fixtures appropriate for the style of architecture, and will use the least amount of light and energy necessary to meet those objectives.

- ***In general.*** In general, all exterior lighting should be designed, located, and lamped in order to prevent or minimize over-lighting, energy waste, glare, light trespass, and skyglow. Outdoor lighting that projects onto other property is prohibited.¹¹
- ***Minimize lighting.*** Plan carefully to only install lighting where it is needed. Directional lighting and lower intensity lamps can reduce lighting impacts. Indiscriminate flood-lighting of broad areas is unacceptable. Where safety “flood-lighting” is proposed for areas such as garage entries, only use lighting activated by motion sensors and directed downward.
- ***Keep lighting low and close.*** Light sources for landscape lighting should be near to the ground. Fixtures mounted on a building should relate to a human scale in size and mounting height. Flood-lighting for security, when used, must be aimed close to the building and not create glare for neighbors.
- ***Consider distant views.*** Light sources must not be objectionable when seen from a distance. Consider how to place lighting on your site in ways that will minimize visibility from distant locations.
- ***Driveways.*** Where possible, design driveways and landscaping so that headlights do not shine onto neighboring properties. Keep in mind the view of this lighting from surrounding areas.
- ***Walkway lighting.*** Along walkways, low-level lighting in the form of bollards or fixtures mounted on short posts are the preferred lighting solution. Fixtures should be located to avoid hazards for pedestrians or vehicles, and should account for growth of landscaping.
- ***Light shielding.*** Where other than low-intensity light sources are used, fixtures must incorporate shielding to prevent objectionable brightness or light trespass.
- ***Outdoor living areas.*** Lighting for outdoor living areas such as decks, patios, and swimming pools should be designed to minimize the visibility of the lighting from the surrounding neighborhood.
- ***Exterior landscape lighting.*** Exterior landscape lighting is encouraged.

8. Landscape guidelines

Section 50-133 of the Nichols Hills City Code details the City’s recognition of the value of landscaping in achieving many goals, including promoting health, ecological, and aesthetic benefits and protecting the environment. That section sets out the City’s landscaping requirements for all Districts. Specifically, Section 50-133 addresses general landscape provisions that apply to

¹¹ See Nichols Hills City Code Section 8-66, *Yard lights, outdoor lights projecting onto other property prohibited*.

all districts; requirements specific to the single-family residential districts; and requirements specific to the multi-family, commercial, church, and special zoning districts. The requirements set out in that section are the minimum requirements that must be met to ensure Code compliance.

As set out in the Building Commission Ordinance, the goals of the building moving, demolition, design, and construction review process are, among other things, to protect the privacy rights and aesthetic expectations of the City's residents. Accordingly, the Building Commission Ordinance requires that the highest standards in landscape design be used; that landscapes in the residential zoning districts be well-kept and beautiful; and that landscaping be used to respect the privacy of adjacent properties.

The following guidelines should be followed to ensure that planned landscaping for construction projects meets the goals sought by these Guidelines.

B-8.1 *Landscape planning in general.* The Nichols Hills City Code and these Guidelines require that applicants submit landscape plans that must meet specific requirements to be approved. Landscapes must be designed using the highest applicable standards and must respect the privacy of adjacent properties. Landscape elements, particularly trees and plant materials, should be planned in an organized and harmonious fashion that will enhance, protect, and promote the economic, ecological, and aesthetic environment.

B-8.2 *Compatibility of landscaping.* Landscapes should be planned so as to be compatible with the development regulations for the applicable District, with the architectural style of the proposed building, and with landscaping throughout the City. Applicants should explore the patterns of landscaping existing throughout the City, recognizing that development of outdoor spaces has implications for neighbors and the City as a whole. As noted in Section 5 of these Guidelines, the City enjoys many different architectural styles. The City enjoys many different landscaping styles as well, which contributes greatly to the City's visual appeal. While the Building Commission does not dictate that a particular style of landscaping be used, cohesiveness and compatibility of the landscape with the building itself and with surrounding properties is important.

B-8.3 *Oklahoma City reference guide.* The document "Trees and Plants for Oklahoma City," a copy of which is available on the City's website, should be referenced in making selections of plant species and recommended spacing. Note that this guide is not all-inclusive as to trees and plants that are suitable selections for the City.

B-8.4 *Site planning.* As described in Section B-1 of these Guidelines, the placement and orientation of landscaping and hardscape is an important element of proper site design. Specifically, as set out in Guidelines B-1.3, the environmental setting of the property and existing and proposed landscaping should be carefully considered in the site planning and structure placement process. Landscaping can define actual boundaries such as property lines and access routes. It can also define spatial and implied boundaries between outdoor spaces and the street. Buildings should be designed such that they blend with the environment and natural land forms, complementary to neighboring properties. As noted in Guideline B-7.6, exterior landscape lighting is encouraged but must respect the privacy of adjoining properties.

B-8.5 *Landscape proportionality.* As set out in Section 3 of these Guidelines, it is important for projects to be proportional in terms of volume, bulk, massing, and scale. Likewise, landscaping should be proportional to the mass and bulk of the building, enhancing it rather than detracting from it. Plantings should not be used simply to decorate the edges of a project. For example, a two-foot planting strip around the perimeter of a large building can negatively affect the mass and visual impact of a building. Landscaping can help reduce the apparent mass and bulk of a building by pulling the site upward to engage the building.

B-8.6 *Use of landscaping to promote privacy.* Landscape components play an important role in reducing the negative impacts on the privacy of adjoining properties. When planning a project, the use of landscaping to ensure the privacy of adjoining properties should be carefully considered, following the guidelines set out in Guideline B-7.4. In addition, the Building Commission may require that the proposed project provide additional and specific landscaping elements in order to mitigate intrusions into the privacy of adjoining properties, whether in rear, side or front yard. Such required landscaping elements may not be used to meet the points required by Guideline B-8.8 and B-8.12, as applicable.

B-8.7 *Screening.* Landscape plans that include outdoor storage and service areas that are visible from the street should be screened by one or a combination of the following methods:

- Trees planted at spacing required to achieve adequate screening.
- Evergreen shrubs reaching a mature height of at least three feet and spaced in a manner to achieve a consistent visual screen.
- An earthen berm (minimum 30 inches height and 3:1 slope).
- An opaque wall or fence a minimum of six feet high.

B-8.8 *Landscape requirements in the Single-Family and Two-Family Residential Districts.* Construction of new and replacement dwellings and additions to existing dwellings (other than minor additions) must be accompanied by a landscape plan meeting the following requirements and meeting the required number of landscape points. Examples of application of the point system follow at the end of this Section.

- ***Front yards.*** All front yards must be landscaped, except walkways, parking, pertinent equipment, drainage utilities, and other accessory structures. Such landscaping must consist of a combination of living vegetation, such as trees, shrubs, grasses or groundcover materials, planted and maintained or preserved as existing natural vegetation areas (e.g. woods or thickets).
- ***Side yards.*** Side yards that are visible from the street must likewise be landscaped as they represent critical areas for landscape design. Not only do they have a visual responsibility to the street, but they are the place where impacts on neighbors must be managed. When designing projects, consideration should be given to neighboring residences and their use of outdoor spaces. Landscaping should be placed to help create a sense of separation and

privacy. Equal care should be given to consideration of sunlight and views. Placement of landscaping elements should not substantially disrupt existing patterns.

- **Non-paved areas.** Lawn-quality sod, evergreen or deciduous groundcovers, beds with plantings or mulch must cover all non-paved and non-built developed areas.
- **Irrigation systems required.** Construction of new and replacement dwellings requires installation of a new irrigation system. See Guideline B-8-19.
- **Landscape plans and required points.** A landscape plan for the proposed landscaping meeting the requirements set out in Guideline B-8.12 must be submitted to the Building Commission for review. Further the proposed landscaping in the front and side yards as shown by the plan must equal or exceed 33 points for every 1000 square feet of front yard and side yard, with a minimum of 250 points required for each front yard and side yard. Point values are set out in Guideline B-8.9.
- **Paving and hardscape included for determining points.** For the purpose of determining the required number of points, front and side yard square footage includes all paving and hardscape.
- **Tree requirement.** A minimum of one tree with a minimum caliper of three inches is required for every 2000 square feet of front and side yard. Such trees will count toward the required number of points.
- **Combinations of plantings.** Most any combination of plantings may be used to obtain the necessary number of points provided that such combination otherwise complies with these Guidelines. The Building Commission encourages creativity and diversity in landscaping.
- **Privacy concerns.** As noted in Guidelines B-8.6, landscaping required by the Building Commission to address privacy concerns will not be counted toward the required number of points.
- **Landscaping in right-of-way.** Landscaping within the street right-of-way between the curb-line and the property line should be included, as required by the Nichols Hills City Code.

B-8.9 Landscape points required in the Single-Family and Two-Family Residential Districts.

POINT VALUES FOR VARIOUS PLANTINGS		
Type of Plant Material	Minimum Size (at time of planting)	

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	Deciduous Trees	Evergreen Trees	Point Value
Large Tree	8-inch or greater caliper	22 ft. and over	26
	7-inch caliper	19—21 ft. height	24
	6-inch caliper	16—18 ft. height	22
	5-inch caliper	13—15 ft. height	20
	4-inch caliper	11—12 ft. height	18
	3-inch caliper	9—10 ft. height	15
Medium Tree	2-inch caliper	7—8 ft. height	12
Small Tree	Single Trunk: 1-inch caliper	5—6 ft. height	9
Ornamental Tree	Multiple Trunk (minimum 3 trunks): Smallest trunk 1-inch caliper	5—6 ft. height	9
Large Shrub/Perennial	5 gallon and 24-inch height at planting		3
Medium Shrub/Perennial	3 gallon and 12-inch height at planting		2
Small Shrub/Perennial	2 gallon and 8-inch height at planting		1
Groundcover/Perennial	1 gallon 4-inch pots		½ ¼
Existing Significant Tree	6-inch caliper (Guideline B-8.10 <i>Existing Tree Credits</i>)		22 to 50

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Landscaped Berm	30-inch height; 10-foot length, 3:1 slope	1 per 5 l.f.
Turf Grass	N/A	¼ per s.y.

- A minimum of 25 percent of required points must be used for evergreen plantings.
- A maximum of 25 percent of required points may be used for turf grass.
- A maximum of 15 percent of required points may be used for perennial plantings.

B-8.10 Existing trees. In order to encourage the preservation of the City’s older trees, credits toward required points may be given for existing trees that are preserved. Eligible trees include any Significant Tree within the developed area that is determined to be preserved through protection from possible impacts of construction. “Significant tree” means any existing tree with a caliper of six inches or greater, determined to be in good health by a qualified professional (i.e. Urban Forester, Certified Arborist) following guidelines established by the International Society of Arboriculture.

Landscape points may be applied for each existing Significant Tree of the following sizes:

POINTS FOR EXISTING SIGNIFICANT TREES	
SIZE	LANDSCAPE POINTS APPLIED
6 inch caliper	22
7 inch caliper	24
8 inch to 10 inch caliper	26
10.1 inch caliper to 15 inch DBH	30

15.1 inch to 20 inch DBH	35
20.1 inch to 25 inch DBH	40
Over 25 DBH	50

DBH = diameter at breast height

- Existing trees for which an applicant wishes to receive credit must be in the developed area, however, no more than 25 percent of the total points may be located within the public rights-of-way.
- Any significant tree claimed for points that dies during construction or as a result of construction, must be replaced with a tree (or trees) to equal or exceed the point of value of the lost tree.
- All site plans should clearly show which trees are to be preserved and how the trees will be protected and impacted during construction.

B-8.11 *Landscape plans.* Landscape plans should include the following:

- North arrow and scale.
- The location of existing property lines and dimensions of the tract, accurately drawn to scale.
- Exact locations and outline of all rights-of-way.
- The location of all existing and proposed buildings, and parking areas, if any, including the exact number of parking spaces provided.
- The location and size of any permanent fixture or structure including sidewalks, walls, fences, trash enclosures, project storage, lighting fixtures, signs, and benches, that are relevant to the landscape plan.
- The location, size, and type of all above-ground and underground public utilities with notation, where appropriate, as to any safety hazards to avoid during installation of landscaping. Alternatively, a letter of no objection provided by the utility company may be required.
- The location, size, type, spacing (on center), and quantity of all proposed plant materials and existing plant materials credited for points must be graphically represented and

referenced on the plan by a common name and/or scientific name or an appropriate key of all plant species.

- The method of irrigation and area of coverage must be indicated.
- All screening required by the Nichols Hills City Code and these Guidelines.
- A table listing the square footage of the front and side yards and all plant materials by scientific and common name, size, type, quantity, and point value and totals.

B-8.12 *Landscaping plans and points for the Multi-Family, Church, Office, and Retail Districts.* For construction of main and secondary buildings and additions to main and secondary buildings in the multi-family, church, office, and retail districts, the Building Commission adopts The City of Oklahoma City’s process and requirements, including its planting requirements (including frontage tree requirements) and point system (requiring site points and parking lot points) for review of landscape plans in the Multi-Family Districts, Church District, the Office District and the Retail Business District. See Oklahoma City Municipal Code, § 59-1120, *Steps required for approval of the landscape plan* and subsection (C) in particular.

B-8.13 *Artificial turf and synthetic plants.* Artificial turf and all forms of synthetic fibers meant to look like natural grass and all synthetic plants are prohibited in the front yards of residences in all Residential Districts. Artificial grass and all forms of synthetic plants are prohibited in all landscapes in the Church District, the Office District and the Retail Business District.

B-8.14 *Selection and location of trees.*

- ***Tree selections.*** Consideration should be given as to whether a proposed species of tree has been proven successful in Oklahoma’s often harsh weather conditions. Landscape plans should not include trees that reach a mature height of more than 15 feet to be planted within ten feet of an overhead utility line.
- ***Locating trees.*** Consideration should be given to the location of trees, so that when they reach mature height they do not interfere with utility wires, other structures or neighboring properties.
- ***Existing trees.*** Healthy, existing mature trees should be retained to the extent possible. However, excessively pruned and malformed trees should be considered for removal. The Building Commission will be reluctant to award any landscaping “points” to a tree that has been excessively pruned and/or is malformed. See Guideline B-8.10 regarding Significant Trees.

B-8.15 *Certain trees and plants should be avoided.* Trees and plants that are or could be dangerous to the environment or that are or could be invasive to neighboring properties are prohibited. Consideration should always be given to each plant species and whether that species has been proven successful in Oklahoma. As noted in Guideline B.8-3, Oklahoma City’s “Trees and Plants for Oklahoma City” is a helpful guide.

B-8.16 *Landscaping as to additions and alterations to existing buildings.* When an addition or alteration to an existing building is planned, new landscaping, if any, should complement the existing landscaping if to remain and should extend useful landscaping patterns.

B-8.17 *Irrigation systems.* Irrigation systems are required for all construction of main and secondary buildings and additions to main and secondary buildings (except minor additions). Landscape plans should indicate the type and location of irrigation that will be used. Plans should be specific enough to show that full and proper coverage will be provided to all required landscape areas and plant materials.

Examples of landscape points for the single-family and two-family residential districts.

Requirements: One tree per 2000 square feet of front and side yard; 33 landscape points per 1000 square feet of front and side yards (including paving and hardscape)

Example One:

2850 square-foot house with 7950 square feet of front and side yards, including paving and hardscape.

Calculating required points: $7950 \text{ square feet} \div 1000 = 7.95 \times 33 \text{ points} = 262 \text{ points required}$

Calculating required trees: $7950 \text{ square feet} \div 2000 = 3.975 = 4 \text{ trees required}$

Possible landscape plan meeting required points:

4 trees with 3-inch caliper = 15 points each	Total: 60 points
49 5-gallon shrubs = 3 points each	Total: 147 points
Turf – 2000 square feet = $\frac{1}{4}$ per square yard	Total: 55 points

Total Points obtained: 262 points

Example Two:

5000+ square-foot house with 11,700 square feet of front and side yards, including paving and hardscape.

Calculating required points: $11750 \text{ square feet} \div 1000 = 11.7 \times 33 \text{ points} = 386 \text{ points required}$

Calculating required trees: $11750 \text{ square feet} \div 2000 = 5.875 = 6 \text{ trees required}$

Possible landscape plan meeting required points:

6 trees with 3-inch caliper = 15 points each	Total: 90 points
76 5-gallon shrubs = 3 points each	Total: 228 points
Turf – 2500 square feet = $\frac{1}{4}$ per square yard	Total: 69 points

Total Points obtained: 387 points

Example Three:

Estate District house with one acre (43,560 square feet) of front and side yards, including paving and hardscape.

Calculating required points: $43,560 \text{ square feet} \div 1000 = 43.56 \times 33 \text{ points} = 1437 \text{ points required}$

Calculating required trees: $43,560 \text{ square feet} \div 2000 = 21.78 = 22 \text{ trees required}$

Possible landscape plan meeting required points:

22 trees with 3-inch caliper = 15 points each	Total: 330 points
249 5-gallon shrubs = 3 points each	Total: 747 points
Turf –21,780 (half lot) square feet = $\frac{1}{4}$ per square yard	Total: 360 points

Total Points obtained: 1436 points

Note that on large lots, credit for Significant Trees is also likely.

IV. Glossary

Below are definitions of various terms used in these Guidelines, including many that are defined by the Nichols Hills City Code at Section 50-3, *Definitions*. Additional defined terms applicable to construction may be found in that Section as well.

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. – see Nichols Hills City Code Section 50-3.~~

Addition ~~means an extension or increase in floor area or height of an existing building. – see Nichols Hills City Code Sec. 50-3.~~

Alteration ~~means any construction or renovation to an existing building that requires a building permit and that is not a repair or an addition. – see Nichols Hills City Code Sec. 50-3.~~

Architectural Resources are buildings that possess significant local interest or significant artistic or architectural merit, that are particularly representative of their class or period, or that are particularly important to the City's history.

Attic – see Nichols Hills City Code Sec. 50-3.

Basement – see Nichols Hills City Code Sec. 50-3.

Buildable area – see Nichols Hills City Code Sec. 50-3.

Building ~~means any structure intended for the shelter, housing or enclosure of persons, animals or movable or transferrable personal property. When separated by dividing walls without openings, each portion of such structure so separated shall be deemed a separate structure. – see Nichols Hills City Code Sec. 50-3.~~

Building Commission Ordinance means Nichols Hills City Code Article V, *Building Commission*, Chapter 50, *Zoning*.

Building height ~~means the vertical distance from the ground elevation of the lot, established prior to any filling or excavating operations, by locating the centroid of the proposed structure as it will be placed on the lot and measuring to the horizontal plane intersected by the highest point of the structure. Chimneys and antennas shall not be considered as structural elements for the purpose of measuring building height. – see Nichols Hills City Code Sec. 50-3.~~

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~~*Building, main,* means a building in which is conducted the principal use of the lot on which it is situated. In single family and two-family residential districts, a dwelling shall be deemed to be the main building, and only one main building shall be permitted on a lot. In church, office, commercial, or planned unit development districts, multiple buildings shall be permitted on one lot, but the zoning district's use and development regulations for main buildings shall apply to all such structures. – see Nichols Hills City Code Sec. 50-3.~~

~~*Building setbacks/lines* means the required open space between the property lines and the exterior of the structure. Building setbacks/lines are established by plat restrictions, private covenants, and city ordinances. – see Nichols Hills City Code Sec. 50-3.~~

~~*Building site* means the buildable area of a single parcel of land, determined by setback lines, occupied or intended to be occupied by a building or structure. – see Nichols Hills City Code Sec. 50-3.~~

Centroid – see Nichols Hills City Code Sec. 50-3.

City's website means www.nicholshills.net.

Code Official means the designated representative of the City Manager for the purposes set out in these Guidelines.

Contractor means any person who in the course of an independent occupation undertakes to do work in the city for another person. Contractors include electrical contractors, general contractors, gasfitting contractors, mechanical contractors, plumbing contractors, and subcontractors.

~~*Dwelling* means any building, or portion thereof, which is designed or used as living quarters for one or more families, but not including mobile homes or travel trailers. – see Nichols Hills City Code Sec. 50-3.~~

~~*Fence* means an artificially constructed barrier of any material or combination of materials erected to enclose a piece of land, or to divide a piece of land into distinct portions, or to separate two contiguous pieces of land, connected together and designed for use in a fixed position, erected upon the ground for decorative or functional purposes. A fence is not an “accessory building, accessory structure, or accessory use,” as defined in the Nichols Hills City Code. – see Nichols Hills City Code Sec. 50-3.~~

~~*Floor area, gross,* means the sum of the gross horizontal areas of all of the floors of a building or buildings, measured from the exterior faces of exterior walls or from the centerline of walls separating the two buildings, and including, but not limited to, the following spaces unless specifically excluded herein:~~

- ~~(1) Elevator shafts and stairwells at each floor;~~
- ~~(2) Penthouses;~~
- ~~(3) Interior balconies, mezzanines, and enclosed covered porches and enclosed steps;~~

- ~~(4) Accessory uses in enclosed covered space, but not including uncovered space used for off-street parking;~~
- ~~(5) Basements shall be excluded from calculations;~~
- ~~(6) Enclosed areas within a pitched roof but above the plate line of the structure shall be excluded from calculations;~~
- ~~(7) Garages shall be excluded from calculations. – see Nichols Hills City Code Sec. 50-3.~~

~~*Floor area ratio* means a mathematical expression (gross floor area/buildable lot area = floor area ratio) determined by dividing the gross floor area of a building by the buildable area of a lot, as determined by setback lines, on which the building is located. – see Nichols Hills City Code Sec. 50-3.~~

~~*Guidelines* means these guidelines, as recommended by the Building Commission and adopted by the City Council.~~

~~*Landscaping* means the aesthetic improvement of land by adding live plants such as trees, shrubs, lawns, ground cover or flowers, frequently in combination with ornamental construction elements (fences, screens, grills, decorative paving or mulches, stones, etc.) and art forms (sculpture, mosaics, water features, etc.). Lighting may be incorporated into the landscaping. – see Nichols Hills City Code Sec. 50-3.~~

~~*Lot* means any plot of land occupied or intended to be occupied by one building, or a group of buildings, and accessory buildings and uses, including such open spaces as required by this chapter and other laws or ordinances, and having its principal frontage on a street. For 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 minimum use regulations and development standards, as *Lot* is defined in the Nichols Hills Subdivision Regulations. – see Nichols Hills City Code Sec. 50-3.~~

~~*Lot area* means the total horizontal area included within lot lines. Lot area calculations shall not include portions of streets and alleys. – see Nichols Hills City Code Sec. 50-3.~~

~~*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. Lot coverage includes, but is not necessarily limited to, the main building, secondary buildings, accessory buildings, covered porches and decks, covered terraces, carports, and porte cocheres. Lot coverage does not include unenclosed swimming pools, unenclosed tennis or game courts, and driveways. – see Nichols Hills City Code Sec. 50-3.~~

~~*Porch* means a gallery or veranda on the outside of a building, projecting from the wall, having a separate roof or uncovered, and open to the front and side yards. A porch permitted to extend into front yard areas has no vehicle access on, through, or under it. – see Nichols Hills City Code Sec. 50-3.~~

~~*Repair* means the reconstruction or renewal of any part of an existing building for the purpose of its maintenance or to correct damage. – see Nichols Hills City Code Sec. 50-3.~~

~~*Setback* means the distance between the lot line and the building line established in the development regulations of each zoning district and in private plat restrictions and covenants. – see Nichols Hills City Code Sec. 50-3.~~

Significant tree means any existing tree with a caliper of six inches or greater, determined to be in good health by a qualified professional (i.e. Urban Forester, Certified Arborist) following guidelines established by the International Society of Arboriculture.

~~*Site development plan* means a plan, drawn to scale, which shows:~~

- ~~(1) The topographic characteristics of the site at a contour interval of not less than one foot;~~
- ~~(2) The location and dimensions of existing and proposed buildings, yards, courts, landscaping, pedestrian and vehicular circulation, parking, fences and screening; service areas and courts, and other features;~~
- ~~(3) The use of each building and area;~~
- ~~(4) The height of buildings, adjacent streets, alleys, utility drainage and other easements;~~
- ~~(5) The relationship of the development to adjacent areas which it may affect;~~
- ~~(6) A certified boundary line survey. – see Nichols Hills City Code Sec. 50-3.~~

~~*Story* means that portion of a building, other than a basement included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it. – see Nichols Hills City Code Sec. 50-3.~~

~~*Street* means any city approved public or private thoroughfare which affords the principal means of access to adjoining property. – see Nichols Hills City Code Sec. 50-3.~~

~~*Structure* means anything constructed or erected, the use of which requires location on the ground; or attached to something having a location on the ground, including but not necessarily limited to buildings, swimming pools, spas, flagpoles, signs, antennas, etc. – see Nichols Hills City Code Sec. 50-3.~~

~~*Yard* means an open space at grade, other than a court or plaza, between a building and the adjacent lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except where otherwise specifically provided in Chapter 50 of the Nichols Hills City Code. – see Nichols Hills City Code Sec. 50-3.~~

~~*Yard, front,* means a yard located in front of the front elevation of a building, extending across a lot between the side yard lines, and being the minimum horizontal distance between the front property line and the main building. – see Nichols Hills City Code Sec. 50-3.~~

~~*Zoning district* means the section or sections of the city for which requirements governing the location and use of buildings and premises are grouped. – see Nichols Hills City Code Sec. 50-3.~~