

AGENDA

Regular Meeting of the
Nichols Hills Planning Commission
Tuesday, March 3, 2020 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 adopting, approving, denying, continuing, or taking other 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. February 4, 2020

5. Public Hearings

Discussion, consideration, and possible approval of the following:

- a. PUBLIC HEARING: An ordinance amending Chapter 50 of the Nichols Hills City Code concerning the Nichols Hills Building Commission and the Certificates of Approval process; providing for severability; repealing all conflicting ordinances or parts of ordinances; and declaring an emergency.

6. Adjournment

I certify that the forgoing was filed in the Office of the City Clerk at 2:45 PM on the 28th day of February, 2020 and posted in

prominent view on the window at City Hall, 6407 Avondale Drive, at 3:00 PM on the 28th day of February, 2020; posted to the City of Nichols Hills website at <http://www.nicholshills.net> at 4:00 P.M. on the 28th of February, 2020; and transmitted by email at 5:00 PM on the 28th day of February, 2020 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

MINUTES

Regular Meeting of the
Nichols Hills Planning Commission
Tuesday, February 4, 2020 at 5:30 PM
City Hall, 6407 Avondale Drive
Nichols Hills, OK 73116

**Original agenda filed in the Office of the City Clerk at 12:05 PM
on the 29th day of January, 2020.**

1. Call to Order
2. Roll Call

Attendee Name	Title	Status	Arrived
Ron Byrne		Present	
Mike Biddinger		Present	
Tim Cheek		Absent	
Barbara Gilbert		Present	
John McCaleb	Chairman	Present	
Lynn Pringle		Absent	

Chairman McCaleb reported that he had asked Vice Chairman Gilbert to conduct the meeting since he wasn't sure if he would be able to attend. Chairman McCaleb was able to attend but passed the chair over to Mrs. Gilbert to conduct the meeting.

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

MOTION: McCaleb moved to approve the October 1, 2019 minutes as presented. Byrne seconded the motion.

RESULT: **APPROVED [UNANIMOUS]**
MOVER: John McCaleb, Chairman
SECONDER: Ron Byrne
AYES: Byrne, Biddinger, Gilbert, McCaleb
ABSENT: Cheek, Pringle

MOTION: McCaleb moved to approve the November 19, 2019 minutes amending page two, the second and third motions of item 4a, to include closing quotation marks. Biddinger seconded the motion.

RESULT: **APPROVED [UNANIMOUS]**
MOVER: John McCaleb, Chairman
SECONDER: Mike Biddinger
AYES: Byrne, Biddinger, Gilbert, McCaleb
ABSENT: Cheek, Pringle

5. Public Hearings

Discussion, consideration, and possible approval of the following:

- a. PUBLIC HEARING: An ordinance closing to public use a portion of the alley in Block 1, amended plat of Blocks A-B-C-D-E-1-2-3&26, Nichols Hills, repealing all conflicting ordinances or parts of ordinances; providing for severability; and declaring an emergency.

Following discussion among Planning Commission members and staff, Vice Chairman Gilbert opened the public hearing.

No others expressed a desire to be heard; therefore, the public hearing was closed.

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

RESULT:	APPROVED [UNANIMOUS]
MOVER:	John McCaleb, Chairman
SECONDER:	Mike Biddinger
AYES:	Byrne, Biddinger, Gilbert, McCaleb
ABSENT:	Cheek, Pringle

6. Adjournment

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

RESULT:	APPROVED [UNANIMOUS]
MOVER:	John McCaleb, Chairman
SECONDER:	Mike Biddinger
AYES:	Byrne, Biddinger, Gilbert, McCaleb
ABSENT:	Cheek, Pringle

 Chairman
 Planning Commission
 City of Nichols Hills, Oklahoma

 City Manager
 Planning Commission
 City of Nichols Hills, Oklahoma

 City Clerk
 City of Nichols Hills, Oklahoma

Attachment: Minutes 02 04 20 2 (4513 : February 4, 2020 Minutes)

Published in _____ on _____, 2020

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 50 OF THE NICHOLS HILLS CITY CODE CONCERNING THE NICHOLS HILLS BUILDING COMMISSION AND THE BUILDING DEMOLITION AND CONSTRUCTION GUIDELINES, CRITERIA, PROCEDURES, AND EXCEPTIONS; 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 50-341 is hereby amended as follows, with deleted language stricken through and new language underlined, to wit:

Sec. 50-341. When Certificates of Approval are required; advance consultation with the City encouraged.

(a) Certificates of Approval issued by the Building Commission are required before application may be made to move or demolish a building or to construct a main building, a secondary building or an addition to a main or secondary building. Further, the Code Official may refer applications for certain alterations to main or secondary buildings to the Building Commission for a Certificate of Approval prior to granting a building permit.

(b) Minor additions. 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, provided that such minor additions shall be allowed only once every ten years. Second and successive additions within such 10-year period require Building Commission review.

~~(bc)~~ Certificates of Approval are not required to apply for building permits for fences, swimming pools, or accessory buildings or structures when such proposed construction is the only work for which the building permit is sought. However, the Building Commission shall review proposals for fences, swimming pools, and accessory buildings and structures that are part of a proposed project that requires a Certificate of Approval.

~~(ed)~~ It is a violation of this Chapter for any person to move or demolish a building or to construct a main building, secondary building, or an addition to a main or secondary building until a Certificate of Approval has been obtained from the Building Commission as set out in this Article.

~~(de)~~ While this Article does not require submittal of any documentation prior to formal application for a Certificate of Approval, property owners are encouraged to

consult with the City prior to making formal application to become familiar with the policies and requirements set forth in this Article.

Section 2. Section 50-345 is hereby amended as follows, with deleted language stricken through and new language underlined, to wit:

Sec. 50-345. Building moving, demolition, and construction to be as provided in applications and plans.

Certificates of Approval issued on the basis of plans, applications, modifications, and requirements approved by the City authorize only the moving, demolition, design, and/or construction of buildings set forth in such approved plans, applications, modifications, and requirements, and no other building moving, demolition or construction. 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, as set out in Section 50-378.

Section 3. Section 50-372 is hereby amended as follows, with deleted language stricken through and new language underlined, to wit:

Sec. 50-372. Application for Certificate of Approval.

(b) For construction of a new main or secondary building, or construction of an addition to an existing main or secondary building:

- (1) A narrative describing the project.
- (2) A survey, prepared by a licensed surveyor registered in this state, of the boundaries of the lot on which the building or addition to an existing main or secondary building is to be located.
- (3) Floor plans, renderings, elevation drawings, and other ~~conceptual plans~~ pertinent drawings.
- (4) A plot plan, drawn to scale, showing the location of the proposed building or proposed addition to an existing main or secondary building on the lot, all easements, setbacks, curb cuts, and driveways.
- (5) A site plan of the ~~building or addition to an existing main or secondary building, project~~ project depicting all adjacent development.
- (6) Drainage information, including grading plans.
- (7) For new main or secondary buildings, a landscaping plan or planting plan as required by Section 50-133. For additions to main or secondary buildings, a landscaping plan or planting plan, as applicable, is required if changes to existing conditions are to be made.

- (8) For new main or secondary buildings, an exterior lighting plan. For additions to main or secondary buildings, an exterior lighting plan is required if changes to existing conditions are to be made.
- (9) For church, office, and commercial buildings, additional information may be required by the Building Commission.
- (10) For additions to buildings, pictures of the subject building(s).
- (11) Color and material samples, if available and if applicable to the proposed work.
- (12) Drawings, images, and plans showing details of the project, including information reflecting the impact on privacy of adjacent buildings.
- (13) The name and address of the proposed general contractor for the project.
- (14) Street-level front elevation for all street-facing sides, drawn to scale, showing buildings and yards on either side of the proposed project.

(c) For all applications, a report certified by the Oklahoma County Assessor or certified by a bonded abstractor stating the names, addresses, and contact information for the owners of property within a 300-foot radius of the exterior boundary of the building proposed to be moved, demolished or constructed, 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.

(d) For all applications, an attestation, as set out in the application form, that the applicant has reviewed all applicable plat restrictions and restrictive covenants filed of record with the Oklahoma County Clerk and that to the best of applicant's knowledge, the proposed project is or is not consistent with any such plat restrictions or restrictive covenants, as the case may be.

(e) For all applications, a certification from the engineer who prepared the required drainage plan that 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 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.

Section 4. Section 50-374 is hereby amended as follows, with new language underlined, to wit:

Sec. 50-374. Public hearing required; notice of public hearing.

The Building Commission shall hold a public hearing regarding each Certificate of Approval. The City shall arrange for notice of the hearing to be given by publication in a newspaper of general circulation in the City and by mailing written notice by registered or certified mail not less than ten calendar days before the date of the Building Commission's hearing to the applicant and to the owners of property within a 300-foot radius of the exterior boundary of the subject property as their names and addresses appear in the report provided by the applicant pursuant to Section 50-372. The notice of the public hearings must contain the legal description street address of the property on which the building to be moved, demolished or constructed is located ~~and the street address~~ or approximate location in the City; and the date, time, and location of the hearing. In addition, a copy of the notice of hearing must be posted on the subject property not less than ten days prior to the hearing.

Section 5. Section 50-378 is hereby added as follows, with new language underlined, to wit:

Sec. 50-378. Minor revisions to approved projects; administrative approval allowed.

Minor revisions to construction for which the Building Commission has issued an unexpired Certificate of Approval do not require a new Certificate of Approval but must be approved by an amendment to the original Certificate of Approval issued by the City Manager or his designee. Minor revisions are revisions to the construction that:

(a) modify no more than five percent of the project from the original Certificate of Approval;

(b) are consistent with any conditions associated with the original Certificate of Approval;

(c) do not significantly alter the construction previously approved; and

(d) are in conformance with the Nichols Hills City Code and the intent of the Nichols Hills Building Commission Building Demolition, Design, and Construction Guidelines.

Sec. 50-3789—50-395. Reserved.

Section 6. Subsection (d)(2) of Section 50-133 is hereby amended as follows, with new language underlined, to wit:

Sec. 50-133. Landscaping.

(d) *General landscaping requirements for multi-family, commercial, church, special and general zoning districts.*

(2) *Landscape plan and materials requirement.* For all development other than one- and two-family residential uses, an application for a Certificate of Approval from the Building Commission and for a building permit shall be accompanied by a detailed landscaping plan, prepared by a landscape architect or qualified landscape professional as defined herein.

a. Said plan shall contain the following at a minimum:

1. The location and types of all plants.
2. Provision for a live tree, having a minimum planted height of seven feet, for every 500 square feet of area required to be landscaped.
3. Artificial grass or any form of synthetic plant is prohibited.
4. Hardscape, such as rock gardens or sculptures may be approved, but the use of gravel or chat as ground cover shall not meet the requirements of this Section.
5. Identification of sight triangles at intersections and all other elements related to traffic control.
6. Irrigation system plan and specifications.

b. The landscape plan shall be reviewed as a part of the Certificate of Approval and the building permit review process. No Certificate of Approval shall be issued until the landscape plan has been reviewed and approved and a Certificate of Approval issued by the Building Commission. No building permit shall be issued until the landscape plan has been reviewed, approved, and made a part of the building permit file.

Section 7. Subsection (c) of Section 50-188 is hereby 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.*

- a. A survey, prepared by a licensed surveyor registered in the state, of the boundaries of the lot on which the improvement is to be located; provided that no survey shall be required for the location of a permitted portable accessory building.
- b. Two complete sets of construction ~~plans~~ documents.
- c. A plot plan, drawn to scale, showing the location of the structure on the lot, all easements, setbacks, curb cuts, and driveways. Every dwelling shall have direct access to either a dedicated public street or an approved private street that has been constructed to the minimum standards established by the City.
- d. Drainage information, 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 ~~mains~~ patterns at the rear or side of the lot, if requested by the City.
- e. A planting plan showing conformance with the landscaping requirements of this Chapter.

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

- a. A survey, prepared by a licensed surveyor in the state, of the boundaries of the lot on which the improvement is proposed to be located.
- b. Two complete sets of construction plans, including structural, civil, mechanical, electrical, and fire protection plans, prepared in accordance with applicable City codes and ordinances.
- c. Two copies of a plot plan, drawn to scale, showing the following information on one or more sheets:
 1. The exact size, shape, and dimensions of the lots proposed to be built on, with a notation of the total square feet of lot area.
 2. The exact size and location on the lot of all existing buildings and structures, and the exact size and location on the lot of any building or structure proposed to be repaired, altered, or moved.
 3. A declaration of the existing and intended use of each existing or proposed building or structure on the lot, and,

if possible, the number of families or dwelling units which each existing and proposed building or structure is designed to accommodate.

4. Adjacent street and alley rights-of-way, showing curb cuts or proposed points of ingress and egress, and dimensions of driveways. Every dwelling unit shall have direct access to either a dedicated public street or an approved private street that has been constructed to the minimum standards established by the City.
5. A landscaping plan showing conformance with the landscaping requirements of this Chapter.
6. Vehicle parking and loading areas, including the delineation of all aisle widths, and specifications for depth and type of paving.
7. Location of walkways and steps, including all information necessary to show conformance with access requirements for disabled persons.
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 proposed grading plans to direct stormwater to the street, to a drainage structure in a recorded easement, or to natural drainage ~~mains~~ patterns at the rear or side of the lot. The City may require that stormwater detention be provided.
9. Location, dimensions, and type of all easements situated on or adjoining the property.
10. Front, side, and rear yard setbacks, illustrated in feet.
11. Location of exterior lighting, screening, open space, and solid waste collection methods.
12. Location and size of existing or proposed utility services.
13. Persons performing parking lot and driveway resurfacing and restriping shall not be required to submit the full list included above, but shall be required to submit satisfactory information to verify the proper handling of drainage, that the number of parking spaces will not be reduced below the minimum standards established by the City, and that the landscaping requirements of this Chapter have been met or will be met prior to completion of the improvements.

Section 8. All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 9. 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 10. 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 _____, 2020.

APPROVED by the Mayor of the City of Nichols Hills, Oklahoma, on the _____ day of _____, 2020.

ATTEST:

Mayor

City Clerk

Reviewed as to Form and Legality:

City Attorney