

1. Agenda

Documents:

[2020-07-07 PLANNING COMMISSION - PUBLIC AGENDA-1557.PDF](#)

2. Meeting Materials

Documents:

[2020-07-07 PLANNING COMMISSION - FULL AGENDA-1557.PDF](#)

AGENDA

Regular Meeting of the
Nichols Hills Planning Commission
Tuesday, July 7, 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. March 3, 2020

5. Public Hearings

Discussion, consideration, and possible approval of the following:

- a. PUBLIC HEARING: An ordinance amending Section 50-133 of the Nichols Hills City Code Regarding Landscaping Requirements; repealing all conflicting ordinances or parts of ordinances; providing for severability; and declaring an emergency.

6. Adjournment

I certify that the forgoing was filed in the Office of the City Clerk at 1:57 PM on the 2nd day of July, 2020 and posted in prominent view on the window at City Hall, 6407 Avondale Drive, at 2:15 PM

on the 2nd day of July, 2020; posted to the City of Nichols Hills website at <http://www.nicholshills.net> at 5:00 PM on the 2nd day of July, 2020; and transmitted by email at 5:00 PM on the 2nd day of July, 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

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City Clerk
City of Nichols Hills, Oklahoma

MINUTES

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

**Original agenda filed in the Office of the City Clerk at 2:45 PM on
the 28th day of February, 2020.**

1. Call to Order
2. Roll Call

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

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.

Peggy Crawford spoke to the Planning Commission members on her concern of the loss of green space with the construction of new homes.

4. Minutes
 - a. February 4, 2020

MOTION: Biddinger moved to approve the February 4, 2020 minutes as presented. Gilbert seconded the motion.

RESULT:	APPROVED [4 TO 0]
MOVER:	Mike Biddinger
SECONDER:	Barbara Gilbert
AYES:	Byrne, Biddinger, Gilbert, McCaleb
ABSTAIN:	Cheek
ABSENT:	Pringle

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.

Shane Pate, City Manager, and Carla Sharpe, legal counsel for the City of Nichols Hills, gave an overview of the ordinance.

Chairman McCaleb opened the Public Hearing.

Barbara Bowersox spoke in favor of the ordinance.

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

MOTION: Gilbert moved that the proposed amendments be recommended to the City Council for approval. Cheek seconded the motion.

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

6. Adjournment

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

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

Published in _____ on _____, 2020

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 50-133 OF THE NICHOLS HILLS CITY CODE REGARDING LANDSCAPING REQUIREMENTS; 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. Subsection (c) of Section 50-133 of the Nichols Hills City Code is hereby amended, with new language underlined and deleted language stricken through, to wit:

Sec. 50-133. Landscaping.

(c) *General landscape provisions for all zoning districts.*

(11) *Privacy landscaping.* When the Building Commission requires evergreen landscaping to address privacy concerns as a condition to its issuance of a Certificate of Approval for construction of a main or secondary building or an addition to a main or secondary building, that evergreen landscaping must be at least eight feet in height at the time of planting and sufficiently spaced to provide effective privacy.

(12) *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 dwellings in the 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. This restriction does not apply to manholes which may be covered with artificial turf or other synthetic fibers meant to look like natural grass.

(13) *Irrigation systems.* Irrigation systems are required for all construction of main and secondary buildings and additions to main and secondary buildings (except minor additions as defined by Section 50-341.

(d) *General landscape requirements for multiple-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.~~
43. 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.
54. Identification of sight triangles at intersections and all other elements related to traffic control.
65. 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.

c. The landscape plan must meet The City of Oklahoma City's planting requirements (including frontage tree requirements) and the required number of points (including site points and parking lot points) as adopted by the Building Commission.

- (e) *Landscaping requirements for all one- and two-family residences regardless of zoning district.*

(1) Landscape plans required. For construction of new and replacement dwellings and additions to existing dwellings (except minor additions as defined by Section 50-341), an application for a Certificate of Approval from the Building Commission and for a Building Permit shall be accompanied by a detailed landscape plan containing the elements and meeting the number of points specified in the Nichols Hills Building Commission Building Demolition, Design and Construction Guidelines adopted by the City in Section 50-398.

(12) *Planting plans required.* A planting plan shall be required as a part of the following permit applications:

- a. ~~Certificate of Approval applications for construction of a main or secondary building or construction of an addition to a main or secondary building.~~
- b. ~~Building Permit application for new construction of individual single-family or two-family homes, including rebuild after a tear down;~~
- c. ~~Building Permit application for addition to a structure that expands the footprint;~~
- da. Addition to or modification of driveways or hardscape on that part of a lot abutting a street right-of-way;
- eb. Rear yard addition as described in subsection (e)(67) of this Section.

(23) *Residential planned unit development or development containing two or more single-family homes or duplexes.* A landscape plan, prepared by a landscape architect in accordance with subsection (d) of this Section, shall be required for:

- a. All residential planned unit developments;
- b. Any development, subdivision plat, or lot split creating building sites for two or more single-family or two-family structures.

Said landscape plan may be divided into a master plan for the total area plus submittal of specific landscape plans for individual properties with the application for a Building Permit.

(34) *Tree planting requirements.* In addition to the requirements contained in this Section, one- and two-family residences shall have a minimum of one tree with a minimum caliper of three inches for every 2000 square feet of front and side yard. ~~two-inch caliper tree per lot, and not less than one tree for every 75 feet of street frontage, including the exterior side yard on corner lots. Said trees shall be located in the yard areas immediately abutting the street or streets; or, in the case of the side yard, not screened by a sight-proof fence.~~

(45) *Front yard landscape area requirements.* The area between the curb and the lot line shall be treated as landscape area. No hardscape shall be permitted other than a maximum of two entrance drives and a city-provided sidewalk. A circular drive shall not encroach on the right-of-way except at the two street access points.

(56) *Landscape area requirements for a side yard abutting a street.* The area between the curb and the lot line shall be treated as landscape area.

(67) *Landscaping for rear yard structure additions.* The property owner of a one- or two-family residence, or his representative, applying for a Certificate of Approval or a Building Permit to construct an accessory building or house extension in the rear yard that is within public view, shall submit a landscape buffer plan for the area between the structure and the abutting property lines showing landscape treatment of the structure that will mitigate its visual impact on the abutting properties.

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 _____, 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