

MINUTES

Regular Meeting of the
Nichols Hills Planning Commission
Tuesday, March 6, 2018 at 5:30 PM
City Hall, 6407 Avondale Drive
Nichols Hills, OK 73116

**Original Agenda Filed in the Office of the City Clerk at 11 AM
on the 28th day of February, 2018.**

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	

3. Citizens Desiring to be Heard

Except as noted in the Public Hearing below, no one expressed a desire to be heard.

4. Minutes

a. February 06, 2018

MOTION: Biddinger moved to approve the February 6, 2018 minutes as presented. Byrne seconded the motion.

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

5. Items for Separate Vote

None

6. Public Hearings

- a. **PUBLIC HEARING:** Discussion, consideration, and possible approval or disapproval of an ordinance amending Chapter 50, Zoning, of the Nichols Hills City Code regarding regulations for rear yard setbacks and main building heights in the “R-1-75” and “R-1-60” Single-Family Residential Zoning Districts; repealing all conflicting ordinances or parts of ordinances; providing for severability; and declaring an emergency.

PUBLIC HEARING: Following discussion among Planning Commission members, staff and city attorney, Chairman McCaleb opened the public hearing. No one present expressed a desire to be heard; therefore, the public hearing was closed.

MOTION: Gilbert moved to recommend to City Council the approval of the proposed ordinance with the inclusion of the following two revisions:

Change the first “the” to “an” in the following sentence, “The intent of this second-floor minimum rear yard setback is to prevent easy visibility from the second floor of any dwelling into an adjoining dwelling or its rear yard,” where it appears in the ordinance.

After the word “ridge” where it appears in the ordinance, add the following phrase, “of the first story.”

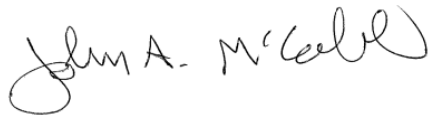
Pringle seconded the motion.

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

7. Adjournment

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

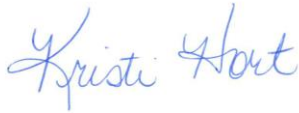
RESULT:	APPROVED [UNANIMOUS]
MOVER:	Lynn Pringle
SECONDER:	Mike Biddinger
AYES:	Byrne, Biddinger, Gilbert, McCaleb, Pringle
ABSENT:	Cheek



Chairman
Planning Commission
City of Nichols Hills, Oklahoma



City Manager
Planning Commission
City of Nichols Hills, Oklahoma



City Clerk
City of Nichols Hills, Oklahoma

MINUTES

Regular Meeting of the
Nichols Hills Planning Commission
Tuesday, February 6, 2018 at 5:30 PM
City Hall, 6407 Avondale Drive
Nichols Hills, OK 73116

**Original Agenda Filed in the Office of the City Clerk at 5:00 PM
on the 30th day of January, 2018.**

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

Except as noted in the Public Hearing(s) below, no one expressed a desire to be heard.

4. Minutes

a. October 2, 2017 Minutes - Special Joint meeting with City Council

No action was taken on the October 2, 2017 minutes from the special joint meeting with City Council.

b. December 12, 2017 Minutes - Special Joint meeting with City Council

MOTION: Gilbert moved to approve the December 12, 2017 special joint meeting with City Council minutes as presented.

Attachment: Feb 6 2018 PC Minutes to be approved (3472 : February 06, 2018 Minutes)

Byrne seconded the motion.

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

5. Items for Separate Vote

None

6. Public Hearings

- a. **PUBLIC HEARING:** Discussion, consideration and possible approval or disapproval of the issuance of a special permit to Sprint Spectrum L.P., represented by Verticom, for the purpose of installation of new or additional communications equipment on existing tower located at 1009 NW 75th Street, Nichols Hills, Oklahoma, and entering an agreement with respect to the same.

Planning Commission members and staff discussed the permit application submitted by Sprint Spectrum L.P. Commissioner Gilbert suggested that, going forward, a representative for the applicant should be present to represent the special permit application. Planning Commission members and staff had no other concerns.

Following discussion, Chairman McCaleb opened the public hearing. No one expressed a desire to be heard; therefore, the public hearing was closed.

MOTION: Gilbert moved to recommend the City Council approve the special permit application. (PC-2018-02) Byrne seconded the motion.

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

- b. PUBLIC HEARING: Discussion, consideration and possible approval or disapproval of the issuance of a special permit to AT&T, represented by CRB Companies, LLC, for the purpose of installation of new or additional communications equipment on existing tower located at 1009 NW 75th Street, Nichols Hills, Oklahoma, and entering an agreement with respect to the same.

Planning Commission members and staff discussed the permit application submitted by AT&T. Kristina Stanley with CRB Companies, LLC represented AT&T for the special permit application PC-2018-01. Planning Commission members and staff had no concerns.

Following discussion, Chairman McCaleb opened the public hearing. No one expressed a desire to be heard; therefore, the public hearing was closed.

MOTION: Biddinger moved to recommend the City Council approve the special permit application. (PC-2018-01) Cheek seconded the motion.

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

- c. PUBLIC HEARING: Discussion, consideration and possible approval or disapproval of the issuance of a special permit to AT&T, represented by CRB Companies, LLC, for the purpose of installation of new or additional communications equipment on existing tower located at 1849 East Westminster, Nichols Hills, Oklahoma, and entering an agreement with respect to the same.

Planning Commission members and staff discussed the permit application submitted by AT&T. Kristina Stanley with CRB Companies, LLC represented AT&T for the special permit application PC-2018-03. Planning Commission members and staff had no concerns.

Following discussion, Chairman McCaleb opened the public hearing. No one expressed a desire to be heard; therefore, the public hearing was closed.

MOTION: Gilbert moved to recommend the City Council approve the special permit application (PC 2018-03) of AT&T represented by CRB Companies, LLC upon receipt of revised construction drawings. Biddinger seconded the motion.

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

7. Adjournment

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

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Mike Biddinger
SECONDER:	Tim Cheek
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 _____, 2017

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 50, *ZONING*, OF THE NICHOLS HILLS CITY CODE REGARDING REGULATIONS FOR REAR YARD SETBACKS AND MAIN BUILDING HEIGHTS IN THE “R-1-75” AND “R-1-60” SINGLE-FAMILY RESIDENTIAL ZONING DISTRICTS; 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 50-49 of the Nichols Hills City Code is hereby amended as follows, with new language underlined, to wit:

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

(a) *General description.* The R-1-75 Single-Family Residential District is intended to protect the character and integrity of established single-family residential areas. The principal permitted use is the single-family home on a moderate-sized lot. The standards in this Section reflect the existing pattern, style, and quality of development in the Zoning District and should be an aid in protecting the area from encroachment of large homes with minimal open space being constructed on small lots.

(b) *Permitted uses.*

- (1) Single-family dwelling.
- (2) Park or open space owned by the City.

(c) *Conditional uses.*

- (1) Secondary buildings are not permitted in R-1-75.
- (2) Accessory buildings and structures, subject to Section 50-132 and the following:
 - a. No accessory structure shall be located in front of the main building, except fences, walls, and flag poles as permitted in this Chapter; provided, where a lot with a main building has been combined with an abutting or adjacent vacant lot, the following additional regulations shall apply:
 - (1) In no case shall any accessory structure on what was the vacant lot be located in front of the main building on any abutting or adjacent lot.
 - (2) Additional setback requirements for playground equipment and tree houses.

- i. For platted lots, playground equipment, as defined in Section 8-488 of this Code, and tree houses must be located behind the out-building limit line, or the building limit line closest to the rear wall of the main building, established on the recorded plat containing the lot where such playground equipment or tree house is to be located, and a distance from the side lot line equal to the applicable main building side yard setback requirement.
 - ii. For unplatted parcels and platted parcels with no out-building limit line or building limit line, playground equipment, as defined in Section 8-488 of this Code, and tree houses must be located behind a line running parallel to the rear property line, which line shall be located a distance equal to 25 percent of the average distance from the rear property line to the front property line. Such playground equipment must also be located a distance from the side lot line equal to the applicable main building side yard setback requirement.
- (3) Playground equipment, as defined in Section 8-488 of this Code, shall be screened from view from the public street to achieve a complete visual barrier to the height provided herein. Such screening shall be at least six feet in height, and shall consist of a combination of stone or masonry walls and evergreen landscaping, berms or other methods approved by the City Code official. Any playground equipment exceeding eight feet in height must be completely screened with evergreen landscaping to the height of the playground equipment, in addition to any walls that may be used to screen the playground equipment. Evergreen landscaping or other methods approved by the City Code official shall also be installed between the playground equipment and any adjacent or abutting property owners to provide a noise barrier. Except where sidewalks, evergreen landscaping, or other landscaping approved by the code official exist, lawn quality natural grass must cover the entire property between the public street and the wall facing the street.
- (4) Additional requirements for tree houses.
 - i. *Developmental regulations.* Tree houses may not exceed 14 feet in height, and may not exceed 100 square feet in area.
 - ii. *Screening requirements.* Tree houses shall be screened from view from the public street to achieve a visual barrier to the height provided herein. Such screening shall be at least six feet in height, and shall consist of a combination of stone or masonry walls and evergreen landscaping, berms or other methods

approved by the City Code official. Any tree houses exceeding eight feet in height must be completely screened with evergreen landscaping to the height of the tree house, in addition to any walls that may be used to screen the tree house. Evergreen landscaping or other methods approved by the City Code official shall also be installed between the tree house and any adjacent or abutting property owners to provide a noise barrier. Except where sidewalks, evergreen landscaping, or other landscaping approved by the Code official exist, lawn quality natural grass must cover the entire property between the public street and the wall facing the street.

- b. No accessory building shall exceed the height of the main building.
 - c. Accessory buildings shall be included in the lot coverage calculations and subject to the development regulations of this district.
 - d. No accessory building shall have living or conditioned space above the ten-foot plate height.
- (3) Accessory signs, subject to Section 50-130 and City sign regulations.
- (d) *Uses subject to review.* None.
- (e) *Development regulations.*
- (1) *General.*
- a. In no case shall a main or accessory building be located over a utility easement.
 - b. Roofs shall be permitted to overhang two feet into required yard setback areas.
- (2) *Front yard setback.* 25 feet from the front property line or building setback line established on the subdivision plat filed of record, whichever is greater, provided that:
- a. Where a building setback line greater than the setback required above has been established by existing structures occupying 60 percent or more of the frontage on a block, all new construction shall be within this existing setback line, regardless of the Code requirement or private subdivision requirements that differ from said existing setback.
 - b. A porch or porte cochere as defined in this chapter shall be permitted to extend not more than ten feet in front of the required front yard setback line.
- (3) *Side yard setback.*
- a. The main building shall have a minimum setback from all side property

lines as follows:

1. A minimum of six feet or ten percent of the lot width, whichever is greater.
 2. Lots abutting a street shall have a setback of 15 feet on the side abutting the street.
- b. Accessory building less than 14 feet in height. Six feet.
 - c. Accessory building 14 feet or more in height. Six feet, plus one foot for each full foot of additional building height greater than 14 feet.
 - d. Chimneys or fireplaces shall be permitted to encroach two feet into the required side yard on one side of the building only.
- (4) *Rear yard setback.*
- a. The main building shall be set back from the rear property line as follows: The first floor of the main building shall have a minimum rear yard setback of 25 feet, and the second floor of the main building, including any living space within attic space, shall have a minimum rear yard setback of 40 feet. The intent of this second-floor minimum rear yard setback is to prevent easy visibility from the second floor of any dwelling into an adjoining dwelling or its rear yard. It shall therefore be unlawful and a violation of this Chapter to construct or use attic space with a rear yard setback of 25 feet as living space in circumvention of the 40-foot second-floor minimum rear yard setback requirement.
 - b. Accessory buildings shall be set back as follows:
 1. Accessory buildings less than 14 feet in height. Ten feet;
 2. Accessory building 14 feet or more in height. Ten feet, plus two feet for each full foot of additional building height greater than 14 feet.
 - c. Chimneys or fireplaces shall be permitted to encroach two feet into the required rear yard.
- (5) *Minimum lot size.* None.
- (6) *Minimum lot width at front building line.* 60 feet.
- (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:
- a. Lot coverage. Defined structures shall cover no more than 65 percent of the lot area within the setback lines established in this district;

b. Floor area ratio. Shall not exceed 0.6.

(8) *Maximum building height.*

a. Accessory building, 22 feet;

1. Accessory buildings will have a ten-foot maximum plate height measured from finished floor.
2. The finished floor shall be permitted to be one foot above undisturbed surrounding grade. Anything higher than one foot shall be subtracted from the ten-foot plate height.

b. No build envelope. No accessory building is permitted within "no build" areas created as follows:

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

c. Maximum main building height is determined by the width of the lot at the front property line as follows:

1. Lots with less than 100-foot frontage at the front property line will have a 31-foot maximum height level.
2. Lots with 100-foot frontage or greater but less than or equal to 125 feet at the front property line will have a 32-foot maximum height level.
3. Lots greater than 125 feet at the front of the property line will have a 33-foot maximum height level.
4. The maximum main building height from the 25-foot rear main building setback to the 40-foot second floor setback will have a maximum height of 16 feet to the roof ridge.

d. No build envelope. No main building is permitted within "no build" areas created as follows: Create a "no build" area on each side of the structure as follows:

1. Establish a point at the side-yard setback, at the centroid level, then move vertically up 22 feet to point "A".
 2. At point "A" a 45-degree angle will be drawn to the point where it intersects with the maximum building height, which is point "B."
 3. Connect points "A" and "B" to delineate a "no-build" area on each side of the structure.
 4. On a sidewall or roof section that faces a side yard, a gable or dormers may be added that do not exceed 20 percent of the length of the sidewall measured at finished floor level. The dormer or gable length will be measured at the plate height level. Example: a 60-foot-long side wall may have a dormer or gable that measures 12 feet long at the plate height level.
- (9) *Double frontage lots.* In the case of aggregate lots under single ownership which result in effect a double frontage lot composed of a primary lot and a secondary lot, the primary lot being the lot on which a residence fronts, no development whatsoever shall be permitted on the secondary lot other than a separate and distinct single family home which fronts to the street on the frontage of the secondary lot. The prohibition on development on the secondary lot includes, but is not limited to, any accessory buildings, fences, outbuildings, driveways or pathways, additional accessory structures, swimming pools, tennis courts and other similar recreational uses requiring construction of permanent structures for such recreational use. It is the intent of this paragraph that each of the constituent lots, namely the primary lot and the secondary lot, shall retain all separate attributes, restrictions and other requirements for development under the Nichols Hills City Code despite the single ownership of the constituent lots.
- (10) *Perimeter fences and walls.* Perimeter fences and walls shall be subject to provisions of chapter 8.
- (11) *Second story decks or patios.* All second story decks or patios are subject to second story main building regulations.
- (12) *Combined lots.* When two lots are combined the side yard setbacks are doubled, except when lots are no more than 20 feet in width.
- (13) *Separation of accessory buildings from main building.* Accessory buildings must have a minimum separation of ten feet from the main building.

Section 2. Section 50-50 of the Nichols Hills City Code is hereby amended as follows, with new language underlined, to wit:

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

(a) *General description.* The R-1-60 Single-Family Residential District is intended to protect the character and integrity of established single-family residential areas with moderate residential densities. The principal permitted uses are single-family homes on smaller to moderate-sized lots. In order to further protect the quality and character of residences from encroachment by incompatible redevelopment, a maximum lot width is also established to protect the established pattern of lot development.

(b) *Permitted uses.*

- (1) Single-family dwelling.
- (2) Park or open space owned by the City.

(c) *Conditional uses.*

- (1) Secondary buildings are not permitted in R-1-60.
- (2) Accessory buildings and structures, subject to Section 50-132 and the following:

a. No accessory structure shall be located in front of the main building, except fences, walls, and flag poles as permitted in this Chapter; provided, where a lot with a main building has been combined with an abutting or adjacent vacant lot, the following additional regulations shall apply:

- (1) In no case shall any accessory structure on what was the vacant lot be located in front of the main building on any abutting or adjacent lot.
- (2) Additional setback requirements for playground equipment and tree houses.

- i. For platted lots, playground equipment, as defined in Section 8-488 of this Code, and tree houses must be located behind the out-building limit line, or the building limit line closest to the rear wall of the main building, established on the recorded plat containing the lot where such playground equipment or tree house is to be located, and a distance from the side lot line equal to the applicable main building side yard setback requirement.
- ii. For unplatted parcels and platted parcels with no out-building limit line or building limit line, playground equipment, as defined in Section 8-488 of this Code, and tree houses must be located behind a line running parallel to the rear property line, which line shall be located a distance equal to 25 percent of the

average distance from the rear property line to the front property line. Such playground equipment must also be located a distance from the side lot line equal to the applicable main building side yard setback requirement.

- (3) Playground equipment, as defined in Section 8-488 of this Code, shall be screened from view from the public street to achieve a complete visual barrier to the height provided herein. Such screening shall be at least six feet in height, and shall consist of a combination of stone or masonry walls and evergreen landscaping, berms or other methods approved by the City Code official. Any playground equipment exceeding eight feet in height must be completely screened with evergreen landscaping to the height of the playground equipment, in addition to any walls that may be used to screen the playground equipment. Evergreen landscaping or other methods approved by the City Code official shall also be installed between the playground equipment and any adjacent or abutting property owners to provide a noise barrier. Except where sidewalks, evergreen landscaping, or other landscaping approved by the code official exist, lawn quality natural grass must cover the entire property between the public street and the wall facing the street.
- (4) Additional requirements for tree houses.
 - (i) *Developmental regulations.* Tree houses may not exceed 14 feet in height, and may not exceed 100 square feet in area.
 - (ii) *Screening requirements.* Tree houses shall be screened from view from the public street to achieve a visual barrier to the height provided herein. Such screening shall be at least six feet in height, and shall consist of a combination of stone or masonry walls and evergreen landscaping, berms or other methods approved by the City Code official. Any tree houses exceeding eight feet in height must be completely screened with evergreen landscaping to the height of the tree house, in addition to any walls that may be used to screen the tree house. Evergreen landscaping or other methods approved by the City Code official shall also be installed between the tree house and any adjacent or abutting property owners to provide a noise barrier. Except where sidewalks, evergreen landscaping, or other landscaping approved by the Code official exist, lawn quality natural grass must cover the entire property between the public street and the wall facing the street.

- b. No accessory building shall exceed the height of the main building.

- c. Accessory buildings shall be included in the lot coverage calculations and subject to the development regulations of this district.
 - d. No accessory building shall have living or conditioned space above the ten-foot plate height.
- (3) Accessory signs, subject to Section 50-130 and City sign regulations.
- (d) *Uses subject to review.* None.
- (e) *Development regulations.*
- (1) *General.*
- a. In no case shall a main or accessory building be located over a utility easement.
 - b. Roofs shall be permitted to overhang two feet into required yard setback areas.
- (2) *Front yard setback.* 25 feet from the front property line or building setback line established on the subdivision plat filed of record, whichever is greater, provided that:
- a. Where a building setback line greater than the setback required above has been established by existing structures occupying 60 percent or more of the frontage on a block, all new construction shall be within this existing setback line, regardless of the Code requirement or private subdivision requirements that differ from said existing setback.
 - b. A porch or porte cochere as defined in this chapter shall be permitted to extend not more than ten feet in front of the required front yard setback line.
- (3) *Side yard setback.*
- a. The main building shall have a minimum setback from all sides of six feet or ten percent of the lot width, whichever is greater, provided, lots abutting a street shall have a setback of 15 feet on the side abutting the street.
 - b. Accessory building less than 14 feet in height. Six feet.
 - c. Accessory building 14 feet or more in height. Six feet, plus one foot for each full foot of additional building height greater than 14 feet.
 - d. Chimneys or fireplaces shall be permitted to encroach two feet into the required side yard on one side of the building only.
- (4) *Rear yard setback.*
- a. The main building shall be set back from the rear property line as follows:

The first floor of the main building shall have a minimum rear yard setback of 25 feet. The second floor of the main building, including any living space within attic space, shall have a minimum rear yard setback of 40 feet. The intent of this second-floor minimum rear yard setback is to prevent easy visibility from the second floor of any dwelling into an adjoining dwelling or its rear yard. It shall therefore be unlawful and a violation of this Chapter to construct or use attic space with a rear yard setback of 25 feet as living space in circumvention of the 40-foot second-floor minimum rear yard setback requirement.

b. Accessory buildings shall be set back as follows:

1. Accessory buildings less than 14 feet in height. Ten feet;
2. Accessory building 14 feet or more in height. Ten feet, plus two feet for each full foot of additional building height greater than 14 feet.

c. Chimneys or fireplaces shall be permitted to encroach two feet into the required rear yard.

(5) *Minimum lot size.* None.

(6) *Lot width.*

- a. Minimum lot width at front building line. 60 feet.
- b. Maximum lot width at front property line. 100 feet.

(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:

- a. Lot coverage. Defined structures shall cover no more than 65 percent of the lot area within the setback lines established in this district;
- b. Floor area ratio. Shall not exceed 0.7.

(8) *Maximum building height.*

- a. Accessory building. 22 feet;
 1. Accessory buildings will have a ten-foot maximum plate height measured from finished floor.
 2. The finished floor shall be permitted to be one foot above undisturbed surrounding grade. Anything higher than one foot shall be subtracted from the ten-foot plate height.

b. No build envelope. No accessory building is permitted within "no build" areas created as follows:

1. Establish a point at the side, and rear yard setbacks, at the finished floor level then move vertically up ten feet to point "A."
 2. At point "A" a 45-degree angle will be drawn to the point where it intersects with the maximum building height which is point "B."
 3. Connect points "A" and "B" to delineate a "no build" area on every side of the structure.
- c. Maximum main building height is determined by the width of the Lot at the front property line as follows:
1. Maximum main building height is 30 feet.
 2. The maximum main building height from the 25-foot rear main building setback to the 40-foot second floor setback will have a maximum height of 16 feet to the roof ridge.
- d. No build envelope. No main building is permitted within "no build" areas. Create a "no build" area on each side of the structure as follows:
1. Establish a point at the side-yard setback, at the centroid level, then move vertically up 22 feet to point "A."
 2. At point "A" a 45-degree angle will be drawn to the point where it intersects with the maximum building height, which is point "B."
 3. Connect points "A" and "B" to delineate a "no-build" area on each side of the structure.
 4. On a sidewall or roof section that faces a side yard, a gable or dormers may be added that do not exceed 20 percent of the length of the sidewall measured at finished floor level. The dormer or gable length will be measured at the plate height level. Example: a 60-foot-long side wall may have a dormer or gable that measures 12 feet long at the plate height level.
- (9) *Double frontage lots.* In the case of aggregate lots under single ownership which result in effect a double frontage lot composed of a primary lot and a secondary lot, the primary lot being the lot on which a residence fronts, no development whatsoever shall be permitted on the secondary lot other than a separate and distinct single family home which fronts to the street on the frontage of the secondary lot. The prohibition on development on the secondary lot includes, but is not limited to, any accessory buildings, fences, outbuildings, driveways or pathways, additional accessory structures, swimming pools, tennis courts and

other similar recreational uses requiring construction of permanent structures for such recreational use. It is the intent of this paragraph that each of the constituent lots, namely the primary lot and the secondary lot, shall retain all separate attributes, restrictions and other requirements for development under the Nichols Hills City Code despite the single ownership of the constituent lots.

- (10) *Second story decks or patios.* All second story decks or patios are subject to second story main building regulations.
- (11) *Combined lots.* When two lots are combined the side yard setbacks are doubled, except when lots are no more than 20 feet in width.
- (12) *Separation of accessory buildings from main building.* Accessory buildings must have a minimum separation of ten feet from the main building.

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 _____, 2017.

APPROVED by the Mayor of the City of Nichols Hills, Oklahoma, on the ____ day of _____, 2017.

ATTEST:

Mayor

City Clerk

Reviewed as to Form and Legality:

City Attorney

Published in _____ on _____, 2017

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 50, *ZONING*, OF THE NICHOLS HILLS CITY CODE REGARDING REGULATIONS FOR REAR YARD SETBACKS AND MAIN BUILDING HEIGHTS IN THE “R-1-75” AND “R-1-60” SINGLE-FAMILY RESIDENTIAL ZONING DISTRICTS; 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 50-49 of the Nichols Hills City Code is hereby amended as follows, with new language underlined, to wit:

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

(a) *General description.* The R-1-75 Single-Family Residential District is intended to protect the character and integrity of established single-family residential areas. The principal permitted use is the single-family home on a moderate-sized lot. The standards in this Section reflect the existing pattern, style, and quality of development in the Zoning District and should be an aid in protecting the area from encroachment of large homes with minimal open space being constructed on small lots.

(b) *Permitted uses.*

- (1) Single-family dwelling.
- (2) Park or open space owned by the City.

(c) *Conditional uses.*

- (1) Secondary buildings are not permitted in R-1-75.
- (2) Accessory buildings and structures, subject to Section 50-132 and the following:
 - a. No accessory structure shall be located in front of the main building, except fences, walls, and flag poles as permitted in this Chapter; provided, where a lot with a main building has been combined with an abutting or adjacent vacant lot, the following additional regulations shall apply:
 - (1) In no case shall any accessory structure on what was the vacant lot be located in front of the main building on any abutting or adjacent lot.
 - (2) Additional setback requirements for playground equipment and tree houses.

- i. For platted lots, playground equipment, as defined in Section 8-488 of this Code, and tree houses must be located behind the out-building limit line, or the building limit line closest to the rear wall of the main building, established on the recorded plat containing the lot where such playground equipment or tree house is to be located, and a distance from the side lot line equal to the applicable main building side yard setback requirement.
 - ii. For unplatted parcels and platted parcels with no out-building limit line or building limit line, playground equipment, as defined in Section 8-488 of this Code, and tree houses must be located behind a line running parallel to the rear property line, which line shall be located a distance equal to 25 percent of the average distance from the rear property line to the front property line. Such playground equipment must also be located a distance from the side lot line equal to the applicable main building side yard setback requirement.
- (3) Playground equipment, as defined in Section 8-488 of this Code, shall be screened from view from the public street to achieve a complete visual barrier to the height provided herein. Such screening shall be at least six feet in height, and shall consist of a combination of stone or masonry walls and evergreen landscaping, berms or other methods approved by the City Code official. Any playground equipment exceeding eight feet in height must be completely screened with evergreen landscaping to the height of the playground equipment, in addition to any walls that may be used to screen the playground equipment. Evergreen landscaping or other methods approved by the City Code official shall also be installed between the playground equipment and any adjacent or abutting property owners to provide a noise barrier. Except where sidewalks, evergreen landscaping, or other landscaping approved by the code official exist, lawn quality natural grass must cover the entire property between the public street and the wall facing the street.
- (4) Additional requirements for tree houses.
 - i. *Developmental regulations.* Tree houses may not exceed 14 feet in height, and may not exceed 100 square feet in area.
 - ii. *Screening requirements.* Tree houses shall be screened from view from the public street to achieve a visual barrier to the height provided herein. Such screening shall be at least six feet in height, and shall consist of a combination of stone or masonry walls and evergreen landscaping, berms or other methods

approved by the City Code official. Any tree houses exceeding eight feet in height must be completely screened with evergreen landscaping to the height of the tree house, in addition to any walls that may be used to screen the tree house. Evergreen landscaping or other methods approved by the City Code official shall also be installed between the tree house and any adjacent or abutting property owners to provide a noise barrier. Except where sidewalks, evergreen landscaping, or other landscaping approved by the Code official exist, lawn quality natural grass must cover the entire property between the public street and the wall facing the street.

- b. No accessory building shall exceed the height of the main building.
 - c. Accessory buildings shall be included in the lot coverage calculations and subject to the development regulations of this district.
 - d. No accessory building shall have living or conditioned space above the ten-foot plate height.
- (3) Accessory signs, subject to Section 50-130 and City sign regulations.
- (d) *Uses subject to review.* None.
- (e) *Development regulations.*
- (1) *General.*
- a. In no case shall a main or accessory building be located over a utility easement.
 - b. Roofs shall be permitted to overhang two feet into required yard setback areas.
- (2) *Front yard setback.* 25 feet from the front property line or building setback line established on the subdivision plat filed of record, whichever is greater, provided that:
- a. Where a building setback line greater than the setback required above has been established by existing structures occupying 60 percent or more of the frontage on a block, all new construction shall be within this existing setback line, regardless of the Code requirement or private subdivision requirements that differ from said existing setback.
 - b. A porch or porte cochere as defined in this chapter shall be permitted to extend not more than ten feet in front of the required front yard setback line.
- (3) *Side yard setback.*
- a. The main building shall have a minimum setback from all side property

lines as follows:

1. A minimum of six feet or ten percent of the lot width, whichever is greater.
 2. Lots abutting a street shall have a setback of 15 feet on the side abutting the street.
- b. Accessory building less than 14 feet in height. Six feet.
 - c. Accessory building 14 feet or more in height. Six feet, plus one foot for each full foot of additional building height greater than 14 feet.
 - d. Chimneys or fireplaces shall be permitted to encroach two feet into the required side yard on one side of the building only.
- (4) *Rear yard setback.*
- a. The main building shall be set back from the rear property line as follows: The first floor of the main building shall have a minimum rear yard setback of 25 feet, and the second floor of the main building, including any living space within attic space, shall have a minimum rear yard setback of 40 feet. The intent of this second-floor minimum rear yard setback is to prevent easy visibility from the second floor of any dwelling into an adjoining dwelling or its rear yard. It shall therefore be unlawful and a violation of this Chapter to construct or use attic space with a rear yard setback of 25 feet as living space in circumvention of the 40-foot second-floor minimum rear yard setback requirement.
 - b. Accessory buildings shall be set back as follows:
 1. Accessory buildings less than 14 feet in height. Ten feet;
 2. Accessory building 14 feet or more in height. Ten feet, plus two feet for each full foot of additional building height greater than 14 feet.
 - c. Chimneys or fireplaces shall be permitted to encroach two feet into the required rear yard.
- (5) *Minimum lot size.* None.
- (6) *Minimum lot width at front building line.* 60 feet.
- (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:
- a. Lot coverage. Defined structures shall cover no more than 65 percent of the lot area within the setback lines established in this district;

b. Floor area ratio. Shall not exceed 0.6.

(8) *Maximum building height.*

a. Accessory building, 22 feet;

1. Accessory buildings will have a ten-foot maximum plate height measured from finished floor.
2. The finished floor shall be permitted to be one foot above undisturbed surrounding grade. Anything higher than one foot shall be subtracted from the ten-foot plate height.

b. No build envelope. No accessory building is permitted within "no build" areas created as follows:

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

c. Maximum main building height is determined by the width of the lot at the front property line as follows:

1. Lots with less than 100-foot frontage at the front property line will have a 31-foot maximum height level.
2. Lots with 100-foot frontage or greater but less than or equal to 125 feet at the front property line will have a 32-foot maximum height level.
3. Lots greater than 125 feet at the front of the property line will have a 33-foot maximum height level.
4. The maximum main building height from the 25-foot rear main building setback to the 40-foot second floor setback will have a maximum height of 16 feet to the roof ridge.

d. No build envelope. No main building is permitted within "no build" areas created as follows: Create a "no build" area on each side of the structure as follows:

1. Establish a point at the side-yard setback, at the centroid level, then move vertically up 22 feet to point "A".
 2. At point "A" a 45-degree angle will be drawn to the point where it intersects with the maximum building height, which is point "B."
 3. Connect points "A" and "B" to delineate a "no-build" area on each side of the structure.
 4. On a sidewall or roof section that faces a side yard, a gable or dormers may be added that do not exceed 20 percent of the length of the sidewall measured at finished floor level. The dormer or gable length will be measured at the plate height level. Example: a 60-foot-long side wall may have a dormer or gable that measures 12 feet long at the plate height level.
- (9) *Double frontage lots.* In the case of aggregate lots under single ownership which result in effect a double frontage lot composed of a primary lot and a secondary lot, the primary lot being the lot on which a residence fronts, no development whatsoever shall be permitted on the secondary lot other than a separate and distinct single family home which fronts to the street on the frontage of the secondary lot. The prohibition on development on the secondary lot includes, but is not limited to, any accessory buildings, fences, outbuildings, driveways or pathways, additional accessory structures, swimming pools, tennis courts and other similar recreational uses requiring construction of permanent structures for such recreational use. It is the intent of this paragraph that each of the constituent lots, namely the primary lot and the secondary lot, shall retain all separate attributes, restrictions and other requirements for development under the Nichols Hills City Code despite the single ownership of the constituent lots.
- (10) *Perimeter fences and walls.* Perimeter fences and walls shall be subject to provisions of chapter 8.
- (11) *Second story decks or patios.* All second story decks or patios are subject to second story main building regulations.
- (12) *Combined lots.* When two lots are combined the side yard setbacks are doubled, except when lots are no more than 20 feet in width.
- (13) *Separation of accessory buildings from main building.* Accessory buildings must have a minimum separation of ten feet from the main building.

Section 2. Section 50-50 of the Nichols Hills City Code is hereby amended as follows, with new language underlined, to wit:

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

(a) *General description.* The R-1-60 Single-Family Residential District is intended to protect the character and integrity of established single-family residential areas with moderate residential densities. The principal permitted uses are single-family homes on smaller to moderate-sized lots. In order to further protect the quality and character of residences from encroachment by incompatible redevelopment, a maximum lot width is also established to protect the established pattern of lot development.

(b) *Permitted uses.*

- (1) Single-family dwelling.
- (2) Park or open space owned by the City.

(c) *Conditional uses.*

- (1) Secondary buildings are not permitted in R-1-60.
- (2) Accessory buildings and structures, subject to Section 50-132 and the following:

a. No accessory structure shall be located in front of the main building, except fences, walls, and flag poles as permitted in this Chapter; provided, where a lot with a main building has been combined with an abutting or adjacent vacant lot, the following additional regulations shall apply:

- (1) In no case shall any accessory structure on what was the vacant lot be located in front of the main building on any abutting or adjacent lot.
- (2) Additional setback requirements for playground equipment and tree houses.

- i. For platted lots, playground equipment, as defined in Section 8-488 of this Code, and tree houses must be located behind the out-building limit line, or the building limit line closest to the rear wall of the main building, established on the recorded plat containing the lot where such playground equipment or tree house is to be located, and a distance from the side lot line equal to the applicable main building side yard setback requirement.
- ii. For unplatted parcels and platted parcels with no out-building limit line or building limit line, playground equipment, as defined in Section 8-488 of this Code, and tree houses must be located behind a line running parallel to the rear property line, which line shall be located a distance equal to 25 percent of the

average distance from the rear property line to the front property line. Such playground equipment must also be located a distance from the side lot line equal to the applicable main building side yard setback requirement.

- (3) Playground equipment, as defined in Section 8-488 of this Code, shall be screened from view from the public street to achieve a complete visual barrier to the height provided herein. Such screening shall be at least six feet in height, and shall consist of a combination of stone or masonry walls and evergreen landscaping, berms or other methods approved by the City Code official. Any playground equipment exceeding eight feet in height must be completely screened with evergreen landscaping to the height of the playground equipment, in addition to any walls that may be used to screen the playground equipment. Evergreen landscaping or other methods approved by the City Code official shall also be installed between the playground equipment and any adjacent or abutting property owners to provide a noise barrier. Except where sidewalks, evergreen landscaping, or other landscaping approved by the code official exist, lawn quality natural grass must cover the entire property between the public street and the wall facing the street.
- (4) Additional requirements for tree houses.
 - (i) *Developmental regulations.* Tree houses may not exceed 14 feet in height, and may not exceed 100 square feet in area.
 - (ii) *Screening requirements.* Tree houses shall be screened from view from the public street to achieve a visual barrier to the height provided herein. Such screening shall be at least six feet in height, and shall consist of a combination of stone or masonry walls and evergreen landscaping, berms or other methods approved by the City Code official. Any tree houses exceeding eight feet in height must be completely screened with evergreen landscaping to the height of the tree house, in addition to any walls that may be used to screen the tree house. Evergreen landscaping or other methods approved by the City Code official shall also be installed between the tree house and any adjacent or abutting property owners to provide a noise barrier. Except where sidewalks, evergreen landscaping, or other landscaping approved by the Code official exist, lawn quality natural grass must cover the entire property between the public street and the wall facing the street.

- b. No accessory building shall exceed the height of the main building.

- c. Accessory buildings shall be included in the lot coverage calculations and subject to the development regulations of this district.
 - d. No accessory building shall have living or conditioned space above the ten-foot plate height.
- (3) Accessory signs, subject to Section 50-130 and City sign regulations.
- (d) *Uses subject to review.* None.
- (e) *Development regulations.*
- (1) *General.*
- a. In no case shall a main or accessory building be located over a utility easement.
 - b. Roofs shall be permitted to overhang two feet into required yard setback areas.
- (2) *Front yard setback.* 25 feet from the front property line or building setback line established on the subdivision plat filed of record, whichever is greater, provided that:
- a. Where a building setback line greater than the setback required above has been established by existing structures occupying 60 percent or more of the frontage on a block, all new construction shall be within this existing setback line, regardless of the Code requirement or private subdivision requirements that differ from said existing setback.
 - b. A porch or porte cochere as defined in this chapter shall be permitted to extend not more than ten feet in front of the required front yard setback line.
- (3) *Side yard setback.*
- a. The main building shall have a minimum setback from all sides of six feet or ten percent of the lot width, whichever is greater, provided, lots abutting a street shall have a setback of 15 feet on the side abutting the street.
 - b. Accessory building less than 14 feet in height. Six feet.
 - c. Accessory building 14 feet or more in height. Six feet, plus one foot for each full foot of additional building height greater than 14 feet.
 - d. Chimneys or fireplaces shall be permitted to encroach two feet into the required side yard on one side of the building only.
- (4) *Rear yard setback.*
- a. The main building shall be set back from the rear property line as follows:

The first floor of the main building shall have a minimum rear yard setback of 25 feet. The second floor of the main building, including any living space within attic space, shall have a minimum rear yard setback of 40 feet. The intent of this second-floor minimum rear yard setback is to prevent easy visibility from the second floor of any dwelling into an adjoining dwelling or its rear yard. It shall therefore be unlawful and a violation of this Chapter to construct or use attic space with a rear yard setback of 25 feet as living space in circumvention of the 40-foot second-floor minimum rear yard setback requirement.

b. Accessory buildings shall be set back as follows:

1. Accessory buildings less than 14 feet in height. Ten feet;
2. Accessory building 14 feet or more in height. Ten feet, plus two feet for each full foot of additional building height greater than 14 feet.

c. Chimneys or fireplaces shall be permitted to encroach two feet into the required rear yard.

(5) *Minimum lot size.* None.

(6) *Lot width.*

- a. Minimum lot width at front building line. 60 feet.
- b. Maximum lot width at front property line. 100 feet.

(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:

- a. Lot coverage. Defined structures shall cover no more than 65 percent of the lot area within the setback lines established in this district;
- b. Floor area ratio. Shall not exceed 0.7.

(8) *Maximum building height.*

- a. Accessory building. 22 feet;
 1. Accessory buildings will have a ten-foot maximum plate height measured from finished floor.
 2. The finished floor shall be permitted to be one foot above undisturbed surrounding grade. Anything higher than one foot shall be subtracted from the ten-foot plate height.
- b. No build envelope. No accessory building is permitted within "no build" areas created as follows:

1. Establish a point at the side, and rear yard setbacks, at the finished floor level then move vertically up ten feet to point "A."
 2. At point "A" a 45-degree angle will be drawn to the point where it intersects with the maximum building height which is point "B."
 3. Connect points "A" and "B" to delineate a "no build" area on every side of the structure.
- c. Maximum main building height is determined by the width of the Lot at the front property line as follows:
1. Maximum main building height is 30 feet.
 2. The maximum main building height from the 25-foot rear main building setback to the 40-foot second floor setback will have a maximum height of 16 feet to the roof ridge.
- d. No build envelope. No main building is permitted within "no build" areas. Create a "no build" area on each side of the structure as follows:
1. Establish a point at the side-yard setback, at the centroid level, then move vertically up 22 feet to point "A."
 2. At point "A" a 45-degree angle will be drawn to the point where it intersects with the maximum building height, which is point "B."
 3. Connect points "A" and "B" to delineate a "no-build" area on each side of the structure.
 4. On a sidewall or roof section that faces a side yard, a gable or dormers may be added that do not exceed 20 percent of the length of the sidewall measured at finished floor level. The dormer or gable length will be measured at the plate height level. Example: a 60-foot-long side wall may have a dormer or gable that measures 12 feet long at the plate height level.
- (9) *Double frontage lots.* In the case of aggregate lots under single ownership which result in effect a double frontage lot composed of a primary lot and a secondary lot, the primary lot being the lot on which a residence fronts, no development whatsoever shall be permitted on the secondary lot other than a separate and distinct single family home which fronts to the street on the frontage of the secondary lot. The prohibition on development on the secondary lot includes, but is not limited to, any accessory buildings, fences, outbuildings, driveways or pathways, additional accessory structures, swimming pools, tennis courts and

other similar recreational uses requiring construction of permanent structures for such recreational use. It is the intent of this paragraph that each of the constituent lots, namely the primary lot and the secondary lot, shall retain all separate attributes, restrictions and other requirements for development under the Nichols Hills City Code despite the single ownership of the constituent lots.

- (10) *Second story decks or patios.* All second story decks or patios are subject to second story main building regulations.
- (11) *Combined lots.* When two lots are combined the side yard setbacks are doubled, except when lots are no more than 20 feet in width.
- (12) *Separation of accessory buildings from main building.* Accessory buildings must have a minimum separation of ten feet from the main building.

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 _____, 2018.

APPROVED by the Mayor of the City of Nichols Hills, Oklahoma, on the ____ day of _____, 2018.

ATTEST:

Mayor

City Clerk

Reviewed as to Form and Legality:

City Attorney