

1. Agenda

Documents:

[PC AGENDA 2 6 24.PDF](#)

- 1.1. Meeting Materials

Documents:

[PC AGENDA PACKET 2 6 24.PDF](#)

AGENDA

Regular Meeting of the
Nichols Hills Planning Commission
Tuesday, February 6, 2024 at 5:30 PM
City Hall, 6407 Avondale Drive
Nichols Hills, OK 73116

If special assistance is needed for this meeting by any person wishing to attend, please contact the City Clerk's office no later than 48 hours prior to the meeting, and such assistance will be provided.

Official action may be taken by the Planning Commission only on items that appear on this Agenda. The Planning Commission may dispose of the business set out on this Agenda by accepting, approving, adopting, rejecting, amending, or postponing action as to each item, as determined by the Planning Commission.

1. Call to Order
2. Roll Call
3. Citizens Desiring to be Heard
The purpose of this time is to allow members of the public to speak to the Planning Commission on any matter that is not otherwise set for consideration on this Agenda.
4. Minutes
 - a. December 5, 2023 Minutes
5. Public Hearings

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

- a. PUBLIC HEARING: An Ordinance amending Chapter 50-372 of the Nichols Hills City Code regarding section cut requirements for Building Commission Certificate of Approval applications; repealing all conflicting ordinances or parts of ordinances; providing for severability; and declaring an emergency.

- b. PUBLIC HEARING: An Ordinance amending Chapter 50-372 of the Nichols Hills City Code regarding centroid calculation requirements for Building Commission Certificate of Approval applications; repealing all conflicting ordinances or parts of ordinances; providing for severability; and declaring an emergency.
- c. PUBLIC HEARING: An Ordinance amending the Nichols Hills City Code regarding the distance between accessory buildings, accessory structures, and accessory uses from main buildings and regarding breezeways between main buildings and accessory buildings and accessory structures; repealing all conflicting ordinances or parts of ordinances; providing for severability; and declaring an emergency.

6. Adjournment



City Clerk
City of Nichols Hills, Oklahoma

AGENDA

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- c. PUBLIC HEARING: An Ordinance amending the Nichols Hills City Code regarding the distance between accessory buildings, accessory structures, and accessory uses from main buildings and regarding breezeways between main buildings and accessory buildings and accessory structures; repealing all conflicting ordinances or parts of ordinances; providing for severability; and declaring an emergency.

6. Adjournment



City Clerk
City of Nichols Hills, Oklahoma

MINUTES

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

**Original agenda filed in the Office of the City Clerk at 1:22PM on
the 1st day of December, 2023.**

1. Call to Order
2. Roll Call

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

3. Citizens Desiring to be Heard

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

No one expressed a desire to be heard.

4. Minutes

- a. November 7, 2023 Minutes

MOTION: Cheek moved to approve the November 7, 2023 minutes as presented. Franklin seconded the motion.

Attachment: December 5 2023 Minutes (7058 : December 5, 2023 Minutes)

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

5. Public Hearings

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

- a. **PUBLIC HEARING:** An application to close to public use a lot line and an 8 foot utility easement described as follows: Abutting part of Lot 18 and Lot 20 in Block 50, in the Mayfair Park Section of Nichols Hills, Oklahoma, running diagonally in a southeasterly direct S 49 32 E a distance of 123.71 ft. from the southeast corner of Lot 15 in Block 50 and the northwest corner of Lot 19 in Block 50, a property also known as 6502 N. Lenox Avenue.

Mr. Mark Grubbs presented the application to the Planning Commission members.

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

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

MOTION: Cheek moved to recommend the City Council approve the closure of the platted utility easement as stated in the legal description provided in Exhibit "A" of this memorandum to the Planning Commission and City Council. Byrne seconded the motion.

Attachment: December 5 2023 Minutes (7058 : December 5, 2023 Minutes)

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

6. Adjournment

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

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

Chairman
Planning Commission
City of Nichols Hills, Oklahoma

City Manager
Planning Commission
City of Nichols Hills, Oklahoma

City Clerk
City of Nichols Hills, Oklahoma

Attachment: December 5 2023 Minutes (7058 : December 5, 2023 Minutes)

Published in _____ on _____, 2024

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 50-372 OF THE NICHOLS HILLS CITY CODE REGARDING SECTION CUT REQUIREMENTS FOR BUILDING COMMISSION CERTIFICATE OF APPROVAL APPLICATIONS; REPEALING ALL CONFLICTING ORDINANCES OR PARTS OF ORDINANCES; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

EMERGENCY ORDINANCE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NICHOLS HILLS, OKLAHOMA:

Section 1. Section 50-372 of the Nichols Hills City Code is hereby amended, with new language underlined, to wit:

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

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

(c) *Application attachments for construction of Main Buildings, Secondary Buildings, and Additions.* In addition to the attachments required by subsection (a), for construction of a new Main Building or Secondary Building, or construction of an Addition, the following are required:

- (11) Section cuts through each primary exterior wall. A drawing depicting a detailed section cut through an exterior wall from footing to roofing, defining the proposed wall framing members; sheathing material; insulation R-values; exterior veneer materials; anchoring methods to be used to attach veneer materials to wall structure; and soffit and fascia materials.
- (~~11~~ 12) *Landscape Plan.* A Landscape Plan as required by Division 6 of Article II of this Chapter.
- (~~12~~ 13) *Privacy implications.* Drawings, images, and plans showing details of the project that reflect the impact of the proposed Building or Addition on the privacy of all adjacent Buildings.

- (~~13~~ 14) *Proportionality implications.* Street-level front elevation of the proposed Building or Addition for all street-facing sides, drawn to scale, or scaled photographic images. Such elevations or images must show the Buildings and yards on either side of the proposed project, drawn such that the elevation accurately depicts the proportionality and relative height of the proposed Building or Addition compared to the Buildings, if any, on all sides of the proposed Building or Addition. Where the proposed Building may negatively affect the Building(s) behind it, additional elevations may be requested to illustrate the proportionality of the proposed Building with such Building(s) behind it.
- (~~14~~ 15) *Pictures.* For Additions to Buildings, pictures of the subject Building(s).
- (~~15~~ 16) *Samples.* Color and material samples of exterior surfaces, if available and if applicable to the proposed work.
- (~~16~~ 17) *Contractor.* The name and address of the proposed general contractor for the project.
- (~~17~~ 18) *Non-residential projects.* For church, office, and commercial Buildings, additional information may be required by the Building Commission.

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 _____, 2024.

APPROVED by the Mayor of the City of Nichols Hills, Oklahoma, on the ____ day of _____, 2024.

ATTEST:

Mayor

City Clerk

Reviewed as to Form and Legality:

City Attorney

Published in _____ on _____, 2024

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 50-372 OF THE NICHOLS HILLS CITY CODE REGARDING CENTROID CALCULATION REQUIREMENTS FOR BUILDING COMMISSION CERTIFICATE OF APPROVAL APPLICATIONS; REPEALING ALL CONFLICTING ORDINANCES OR PARTS OF ORDINANCES; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

EMERGENCY ORDINANCE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NICHOLS HILLS, OKLAHOMA:

Section 1. Section 50-372 of the Nichols Hills City Code is hereby amended, with new language underlined, to wit:

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

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

(c) *Application attachments for construction of Main Buildings, Secondary Buildings, and Additions.* In addition to the attachments required by subsection (a), for construction of a new Main Building or Secondary Building, or construction of an Addition, the following are required:

- (10) *Centroid Calculation Form.* A properly completed Centroid Calculation Form, the form of which is part of the application form. When approved by the Code Official, the Centroid Calculation Form will not be required and the historical finish floor elevation of the main entry level of the existing Building may be used as the Centroid for: (1) Applications proposing demolition of an existing Building to construct a new Building in substantially the same location and at the same elevation as the existing Building; or (2) Applications proposing construction of an Addition at the same elevation as the existing Building. For all submissions to which the Centroid is applicable, the Centroid must be determined as set out in Section 50-3 and that determination signed and sealed by a licensed surveyor, engineer or architect.

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 _____, 2024.

APPROVED by the Mayor of the City of Nichols Hills, Oklahoma, on the ____ day of _____, 2024.

ATTEST:

Mayor

City Clerk

Reviewed as to Form and Legality:

City Attorney

Published in _____ on _____, 2024

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE NICHOLS HILLS CITY CODE REGARDING THE DISTANCE BETWEEN ACCESSORY BUILDINGS, ACCESSORY STRUCTURES, AND ACCESSORY USES FROM MAIN BUILDINGS AND REGARDING BREEZEWAYS BETWEEN MAIN BUILDINGS AND ACCESSORY BUILDINGS AND ACCESSORY STRUCTURES; 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 50-47 is hereby amended, with deleted language stricken through and new language underlined, to wit:

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

(c) *Conditional uses.*

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

- d. Accessory Buildings, Accessory Structures, and Accessory Uses shall be a minimum of ~~ten~~ six feet from the Main Building.

Section 2. Section 50-48 is hereby amended, with deleted language stricken through and new language underlined, to wit:

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

(c) *Conditional uses.*

- (2) Accessory Buildings, Accessory Structures, and Accessory Uses which are subject to

Division 6 of this Article and the following:

- d. Accessory Buildings, Accessory Structures, and Accessory Uses shall be a minimum of ~~ten~~ six feet from the Main Building.

Section 3. Section 50-49 is hereby amended, with deleted language stricken through and new language underlined, to wit:

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

- (e) Development regulations.

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

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

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

- (e) Development regulations.

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

Section 5. Chapter 50, Article II, Division 6, *Accessory Buildings, Accessory Structures, and Accessory Uses* is hereby amended, with the addition of new Section 50-173, to wit:

Sec. 50-173. Walkways, passageways, covered corridors, and breezeways.

Walkways, covered corridors, and breezeways (collectively referred to as “Breezeways”) are Accessory Structures that are allowed in the Residential Zoning Districts by Conditional Use Permit. Where allowed, Breezeways are subject to Section 50-158 and the following:

- (1) Definition. Breezeways are roofed passageways that connect a Main Building to an Accessory Building (such as a Detached Garage) or an Accessory Structure (such as a cabana or pool house).
- (2) Construction. Breezeways are not required to be physically attached to the Main Building or to the applicable Accessory Building or Accessory Structure. A Breezeway must be open on at least two of its sides except for structural support columns. A Breezeway may not exceed a height of 12 feet (measured to the finished grade directly below it) or the height of the Accessory Building or Accessory Structure to which it connects, whichever is less. The Breezeway must be six feet in width or less, measured from the outside edge of its supporting columns. Walkways on the Breezeway's roof are prohibited.
- (3) Setback implications. The setback requirements for Accessory Buildings and Accessory Structures (and not the setback requirement for Main Buildings) for the applicable Zoning District apply to all Accessory Buildings and Accessory Structures connected to a Main Building by a Breezeway.
- (4) Design. Breezeways must have an architectural design and appearance compatible with the Main Building, including roof type, colors, structural design, texture, and materials.
- (5) Maintenance. Breezeways must be kept in an attractive state, in good repair, and in a safe condition.
- (6) Existing Breezeways. Once constructed, Breezeways may not be enlarged or altered in any way.

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

Section 7. The provisions of this ordinance are severable and if any part or provision hereof shall be adjudged invalid by any court of competent jurisdiction, such adjudication shall not affect or impair any of the remaining parts or provisions hereof.

Section 8. EMERGENCY SECTION. WHEREAS, in the judgment of the Council it is necessary for the preservation of the peace, health, welfare and safety of the City of Nichols Hills, Oklahoma, and of the inhabitants thereof that the provisions of this ordinance be put into full force and effect immediately, and therefore an emergency is hereby declared to exist by reason whereof this ordinance shall take effect and be in full force from and after its passage as provided by law.

PASSED by the Council of the City of Nichols Hills, Oklahoma, on the ____ day of _____, 2024.

APPROVED by the Mayor of the City of Nichols Hills, Oklahoma, on the ____ day of _____, 2024.

ATTEST:

Mayor

City Clerk

Reviewed as to Form and Legality:

City Attorney