

AGENDA

Regular Meeting of the
Nichols Hills Planning Commission
Tuesday, August 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. June 4, 2024 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, Article II, Division 10 of the Nichols Hills City Code regarding signs; repealing all conflicting ordinances or parts of ordinances; providing for severability; and declaring an emergency.

- b. PUBLIC HEARING: An Ordinance amending the Nichols Hills City Code regarding the appointment of At-Large Members to the Board of Adjustment; 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 landscaping requirements for Certificates of Approval from the Building Commission for facade changes; repealing all conflicting ordinances or parts of ordinances; providing for severability; and declaring an emergency.
- d. PUBLIC HEARING: An Ordinance amending the Nichols Hills City Code regarding applications for Certificates of Approval from the Building Commission; 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, June 4, 2024 at 5:30 PM
City Hall, 6407 Avondale Drive
Nichols Hills, OK 73116

1. Call to Order

2. Roll Call

Attendees Present	Arrived
Chairman John McCaleb	5:30
Vice-Chairman Barbara Gilbert	5:30
Commissioner Tim Cheek	5:30
Commissioner Doug Franklin	5:30
Commissioner Mike Biddinger	5:30
Commissioner Ron Byrne	Absent

3. Citizens Desiring to Be Heard

No one expressed a desire to be heard.

4. Minutes

a. May 7, 2024 Minutes

MOTION: Doug Franklin moved to approve the May 7, 2024 minutes as presented. Tim Cheek seconded the motion.

RESULT:	(UNANIMOUS)
MOVER:	Doug Franklin
SECONDER:	Tim Cheek
AYES:	John McCaleb, Barbara Gilbert, Tim Cheek, Doug Franklin
ABSTAIN:	Mike Biddinger

5. Public Hearings

- a. PUBLIC HEARING: An affidavit combining two lots generally located at 1812 Huntington Avenue and 1814 Huntington Avenue in Nichols Hills, Oklahoma.

Mr. Scott Spradling, representing 1814 Huntington Ave, LLC, presented the application to the Planning Commission.

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: John McCaleb moved to recommend the City Council approve agenda item 5a subject to: removing the residence presently located at 1814 Huntington Avenue and replacing it with a landscaped yard with a pool, and burying the overhead powerlines. Doug Franklin seconded the motion.

RESULT:	(UNANIMOUS)
MOVER:	John McCaleb
SECONDER:	Doug Franklin
AYES:	John McCaleb, Barbara Gilbert, Tim Cheek

- b. PUBLIC HEARING: A General Warranty Deed combining lots generally located at 1208 Sherwood Lane in Nichols Hills, Oklahoma.

Mr. Rhett Wiseman, Manager of Real World Investments, LLC, presented the application to the Planning Commission.

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

Mr. Scott Spradling stated that the lot is plat restricted for one-story homes.

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

was closed.

MOTION: Barbara Gilbert moved to recommend the City Council approve agenda item 5b subject to the proposed new home being a one-story home. Doug Franklin seconded the motion.

RESULT:	(UNANIMOUS)
MOVER:	Barbara Gilbert
SECONDER:	Doug Franklin
AYES:	Barbara Gilbert, John McCaleb, Tim Cheek, Doug Franklin, Mike Biddinger

- c. **PUBLIC HEARING:** An Ordinance adopting and enacting the Nichols Hills City Code 2024; repealing all conflicting ordinances or parts of ordinances; providing for severability; and declaring an emergency.

Mrs. Carla Sharpe, attorney for the City, and Mr. Shane Pate, City Manager presented the proposed ordinance to the Planning Commission.

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: Tim Cheek moved to recommend the City Council approve agenda item 5c as presented. Doug Franklin seconded the motion.

RESULT:	(UNANIMOUS)
MOVER:	Tim Cheek
SECONDER:	Doug Franklin
AYES:	John McCaleb, Tim Cheek, Doug Franklin, Mike Biddinger

6. Adjournment

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

RESULT:	(UNANIMOUS)
MOVER:	Doug Franklin
SECONDER:	Tim Cheek
AYES:	John McCaleb, Barbara Gilbert, Tim Cheek, Doug Franklin, Mike 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

Published in _____ on _____, 2024

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 50, ARTICLE II, DIVISION 10 OF THE NICHOLS HILLS CITY CODE REGARDING SIGNS; 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. Chapter 50, Article II, Division 10, *Sign Regulations*, of the Nichols Hills City Code is amended as follows, with deleted language stricken through and new language underlined, to wit:

Sec. 50-329. Sign regulations for ~~E~~-Estate and R-Residential Zoning Districts.

(a) *Signs prohibited; exceptions.* Signs that are visible from the street or a public way are prohibited in the E-1 Estate District, the E-2 Urban Estate District, the R-1-75 Single-Family Residential District, the R-1-60 Single-Family Residential District, the R-2 Two-Family Residential District, or the R-3 Multiple Family Residential Zoning District except the following types of Signs, which do not require a Sign Permit:

1. *Political Signs related to elections.* Signs advertising, endorsing, or opposing a candidate for public office or a public question to be voted on at an election to be held pursuant to the election laws of the State or the City Charter.
2. *Signs related to public issues.* Signs expressing a view or opinion on a public issue.
3. *For sale or rent Signs; general contractor Signs; family event Signs; holiday, athletic or school spirit Signs.* A maximum of two Signs per property from the following categories:
 - a. One “for sale” or “for rent” Sign, which must be removed as provided for in subsection (e).
 - b. One Sign identifying ~~a general~~ the contractor who ~~is engaged in~~ has obtained a Building Permit for the construction, repair, or alteration of or addition to a Building, which sign may not be placed on the property until the City has issued a Building Permit and which must be removed as provided for in subsection (e). Signs displaying the names of other

contractors working on a project, such as trade contractors, are not permitted.

- c. Sign recognizing a significant family event such as a birth, homecoming, graduation, or wedding, said Sign to be removed no later than after 48 hours after being erected.
 - d. Temporary holiday, athletic or school spirit Signs, to be removed no later than 48 hours after being erected.
- 4. *Open house Signs.* One “open house” Sign on real property that is being offered for sale, which Sign may not be placed on the real property until after 3:00 p.m. on Thursday and must be removed before noon on the following Monday. No “open house” Sign may be placed on property other than where the open house is to be held, and no flags, banners or streamer are permitted.
 - 5. *Garage sale Signs.* One “garage sale” Sign as set out in Division 3 of Article III of Chapter 10 of this Code. Such Signs may be displayed only on the day before and the day of the garage sale.
 - 6. *House number Signs.* Two house number Signs. House number Signs painted on curbs are subject to the requirements set out in Section 38-4 of this Code.
- (b) *Maximum Display Surface area for allowed Signs.* Five square feet.
 - (c) *Maximum height for allowed Signs.* 44 inches.
 - (d) *Location for allowed Signs.* All such Signs must be wholly confined to private property by or with the permission of the property owner and shall be set back at least ten feet from the curbline or the nearest edge of the street paving if there is no curb. As prohibited by Section 50-333 330, all such Signs are prohibited on public property and street right-of-way.
 - (e) *Removal of allowed Signs.*
 - 1. Any “for sale” or “for rent” Sign shall be removed within three days after the closing on the sale or execution of the lease of the property.
 - 2. Any contractor’s Sign shall be removed immediately upon completion of the construction, repair, addition or alteration work being performed by the contractor and no later than the issuance of a Certificate of Occupancy for the project or final inspection by the City.
 - 3. Removal of such Signs shall be the responsibility of both the owner of the premises on which such Sign has been placed and the owner of the Sign.
 - (f) *Signs in violation subject to removal.* Any Sign erected or placed in violation of this

Section may be removed by the City and then held by the City for ten calendar days, during which time the Sign may be retrieved by the owner of it, subject to payment to the City of a storage fee of \$1.00 per Sign. After the ten-day period, the City may dispose of the Sign.

Sec. 50-330. Signs on public property and street right-of-way prohibited.

No Sign, except those placed by the City, shall be located on public property or on or extending over street right-of-way, and all Ground Signs shall only be permitted where they will not interfere with traffic sight lines as determined by the City. Street right-of-way includes utility poles and sidewalks. Signs painted onto or fastened to trees in public places are prohibited. Any Sign erected or placed in violation of this Section may be removed by the City and then held by the City for ten calendar days, during which time the Sign may be retrieved by the owner of it, subject to payment to the City of a storage fee of \$1.00 per Sign. After the ten-day period, the City may dispose of the Sign.

Sec. 50-331. Signs for sidewalk sales and business-sponsored events on sidewalks and other public ways.

Signs for sidewalk sales and business-sponsored events in the City's ~~commercial Zoning Districts~~ Retail Business District are subject to Section 10-33 of this Code.

Sec. 50-332. Accessory Sign regulations in general; Sign Permits.

Accessory Signs are a Conditional Use allowed in the R-3 Multiple-Family Residential District, the U-4 Church District, the C-1 Office District, and the C-2 Retail Business District pursuant to a Sign Permit (which is a Conditional Use Permit as set out in Section 50-498) issued by the City pursuant to Division 2, Article IV of this Chapter. Specific regulations for the Commercial Zoning Districts follow. In reviewing applications for ~~Conditional Use~~ Sign Permits for Accessory Signs, the Code Official may refer such applications to the Planning Commission and City Council for public hearings prior to granting the ~~Conditional Use~~ Sign Permit. The Code Official is authorized to impose conditions on the issuance of Sign Permits as set out in Section 50-498.

Sec. 50-338. Accessory Sign Use and Maintenance.

(a) Required use and maintenance of Accessory Signs. Accessory Signs must be properly used and maintained in good repair and in a safe, presentable, and sound structural condition at all times. Proper use requires that the Accessory Sign's sign panel be in use as provided for in the applicable Sign Permit. Proper maintenance includes maintenance and repair of the Accessory Sign's panels, framing, and poles.

(b) Damaged signs; dilapidated or unsafe signs. If an Accessory Sign or its panel, framing or poles (or any part thereof) are damaged by fire, wind, explosion, accident or other casualty, the Sign and all of its parts must be either repaired and brought into compliance with this Division or

removed within a reasonable time, not to exceed 60 days. Accessory Signs that are determined by the Code Official to be dilapidated or unsafe and dangerous or hazardous to the public safety or welfare must either be repaired or removed by the owner thereof within ten days after notice from the Code Official.

(c) *Graffiti.* Graffiti on an Accessory Sign must be removed within a reasonable time, not to exceed ten days.

Sec 50-339. Abandoned Accessory Signs; Terminated Businesses.

(a) *Abandoned Accessory Signs.* Any Accessory Sign that: (1) is located on property that has failed to maintain a bona fide business or that becomes vacant and unoccupied for a period of three months or more; or (2) that identifies a time, event or purpose that has passed or is no longer imminent, pending or available on the property will be deemed by the City to be abandoned. Abandoned signs, including the sign panels, framing, and poles and must be removed or the Accessory Sign brought into compliance within ten days after notice to do so from the Code Official, all at the Sign owner's expense.

(b) *Accessory Signs for terminated businesses.* At the time of termination of a business or commercial enterprise, all Accessory Signs pertaining to such use must be removed from public view within a reasonable time, not to exceed 30 days. Provided, however, that the Code Official has authority to allow the Accessory Sign's panel to be replaced with a blank panel for a reasonable period of time if a bona fide business or commercial enterprise intends to use the Accessory Sign within a reasonable time. After an Accessory Sign is removed from a Structure, all holes and blank spots in the Structure's paint must be remedied as soon as reasonably possible.

Sec. 50-340. Violation of these Sign regulations.

It shall be a violation and an offense for any Person to erect and maintain a Sign in violation of this Division or in violation of any applicable provision of Section 50-634, including installing or using a Sign in any way not consistent with this Chapter; installing an Accessory Sign without obtaining a Sign Permit; installing or using a Sign in any way inconsistent with the applicable Sign Permit; or violating the terms of the Sign Permit.

Sec. 50- 341. Enforcement of Sign regulations.

The provisions of this Division shall be enforced by the Code Official, and it shall be unlawful for any Person to interfere with or hinder the Code Official and his/her duly appointed representatives in the exercise of their duties under this Division. Notwithstanding any provisions contained herein to the contrary, the Code Official and his/her duly appointed representatives are hereby granted the authority to issue immediate citations to Persons violating any provision of this Division. In enforcing the provisions of this Division, the Code Official may revoke Sign Permits, seek injunctive or other equitable relief, and cause the removal and impoundment of any Accessory Sign erected or maintained in violation of this Division pursuant to the enforcement procedures set out in Section 50-641.

Sec. 50-342. Nuisance declared; violation.

Any Accessory Sign that is not used or that is installed or maintained in a manner that is prohibited by this Division is hereby declared to constitute a nuisance. Any Person who shall violate any of the provisions of this Division shall also be guilty of an offense and may be dealt with and abated as such. Any Person maintaining any such nuisance is guilty of an offense, and each day upon which such nuisance continues is a separate offense, and, upon conviction thereof, shall be punished as provided in Section 1-16.

Secs. 50- ~~338-343~~--50-362. Reserved.

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 APPOINTMENT OF AT-LARGE MEMBERS TO THE BOARD OF ADJUSTMENT; 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 50-242 is hereby amended, with deleted language stricken through and new language underlined, to wit:

Sec. 50-242. Members; rules; meetings.

- (a) *Created.* A Board of Adjustment is hereby created. The Board shall consist of five members, each to be appointed for a term of three years. There shall be one member of the Board from each Ward who shall be appointed by the Councilman who represents the Ward, with the approval of the City Council. There shall also be two at large members of the Board, At-Large Member # 1 and At-Large Member # 2, who shall be appointed ~~by the Mayor, with the approval of the City Council pursuant to a rotation among the City Council members.~~ In order to commence the rotation sequence for these appointments, the initial appointments of At-Large Member # 1 and At-Large Member # 2 going forward from the date of adoption of this Ordinance shall be as follows:

- (1) The Council member representing Ward # 3 will appoint At-Large Member # 1 for the term commencing June 1, 2024;
- (2) The Council member representing Ward # 1 will appoint At-Large Member # 2 for the term commencing June 1, 2026; and
- (3) The Council member representing Ward # 2 will appoint At-Large Member # 1 for the term commencing June 1, 2027. The City Clerk will maintain a rotation list of the Council members for such purposes. ~~The two present members of the Board who were appointed prior to May 11, 1993, shall be the at large members of the Board, and the other members of the Board shall represent the ward in which they now reside. Present members of the Board shall continue to serve until their respective terms have expired.~~

Vacancies shall be filled for the unexpired term of any member whose office becomes vacant. Board members shall be removable for cause by the City Council, upon written charges and after public hearing.

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 LANDSCAPING REQUIREMENTS FOR CERTIFICATES OF APPROVAL FROM THE BUILDING COMMISSION FOR FAÇADE CHANGES; 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 50-251 of the Nichols Hills City Code is amended as follows, with deleted language stricken through and new language underlined, to wit:

Sec. 50-251. Landscaping requirements for construction in the One- and Two-Family Residential Zoning Districts.

Construction in the E-1 Estate District, the E-2 Urban Estate District, the R-1-75 Single-Family Residential District, the R-1-60 Single-Family Residential District, and the R-2 Two-Family Residential District that requires a Certificate of Approval from the Building Commission must meet the applicable requirements and restrictions set out in this Chapter and the provisions applicable for the project set out below.

- (3) Requirements related to façade Alterations. All Façade Alterations must include Landscaping in the Front Yard as an integral part of its design set out in a Landscape Plan meeting the requirements of Section 50-254; provided however, such additional Landscaping for a façade Alteration may not be required if the Property meets or exceeds the required Landscape Points. In order to make a recommendation whether additional Landscaping will be required for such projects, the Code Official will coordinate a meeting with two Building Commissioners, at which meeting the Commissioners will offer a recommendation as to whether the City should require additional Landscaping for the proposed façade Alteration. The Code Official will consider such recommendation in making a determination and instruct the applicant accordingly.
- (3 4) Required Landscape Points. The Landscape Plan required by this Section must meet or exceed 33 Landscape Points for every 1000 square feet of Front Yard and Side Yard, with a minimum of 300 Landscape Points. Landscape Point values are set out in Section 50-252. For the purpose of determining the required number of Landscape Points, the following apply for calculation:

- a. The Front Yard and Side Yard square footage includes all paving and hardscape.
- b. The area between the curb and the Property Line is treated as Landscaped Area.

In creating the Landscape Plan, the applicant should: calculate the required Landscape Points for the project; determine the percentages and location of plantings, quantity, type, and size of plant materials needed to meet the Landscape Point requirements; develop a Landscape Plan that meets the Landscape Point requirements and that shows the calculation of those Landscape Points on it. The City has a calculation sheet available for assistance in calculating Landscape Points. In addition, the Nichols Hills Building Commission Building Demolition, Design, and Construction Guidelines contain several examples of Landscape Points for the Single-Family and Two-Family Residential Districts.

(4 5) *Tree requirements.* A minimum of one Tree with a minimum Caliper of three inches is required for every 2000 square feet of Front Yard and Side Yard. Such Trees will count toward the required number of Landscape Points. Existing trees, including Significant Trees, in the Rear Yard may not be counted toward the required Landscape Points.

(~~5~~ 6) *Existing Significant Trees.* Significant Trees should generally be preserved and protected. The Developer will be required to provide an acceptable rationale for the proposed removal of any Significant Trees on the property.

- a. *Landscape Points available.* In order to encourage the preservation of the City's older Trees, credits toward the required Landscape Points may be claimed for any Significant Tree located in the Front Yard or Side Yard that will be preserved through protection from possible impacts of construction. No more than 50 percent of the required Landscape Points may be attributed to Significant Trees. Significant Trees in the Rear Yard may not be counted toward Landscape Points. However, efforts should be made to retain any Significant Trees in the Rear Yard and to maintain their health during any construction, as required by this Section.
- b. *Significant Tree health.* In its discretion, the Building Commission may require a report from a qualified professional (i.e. Urban Forester, Certified Arborist) following guidelines established by the International Society of Arboriculture that any Significant Tree claimed for credits toward the required Landscape Points is in good health.
- c. *Significant Trees in the Right-of-Way.* No more than 25 percent of the total points for Significant Trees may be located within the public rights-of-way.
- d. *Site Plan and Significant Tree protection requirements.* All Site Plans must clearly show any Significant Trees that are intended to be preserved and state how the Trees will be impacted and protected during construction. The Building Commission may require that any Significant Trees be preserved and protected during the construction process.

- e. *Significant Trees that later die.* Any Significant Tree claimed for Landscape Points that dies during construction or as a result of construction, must be replaced with a Tree (or Trees) to equal or exceed the point of value of the lost Tree.
- (6 7) *Privacy Landscaping to address privacy concerns.* The Building Commission may require Privacy Landscaping in all parts of a project, including the Rear Yard, to address privacy concerns. Privacy Landscaping required by the Building Commission will not be counted toward the required number of Landscape Points.
- (7 8) *Irrigation Systems.* Irrigation Systems in compliance with Chapter 48 are required for all construction of Main and Secondary Buildings and Additions to Main and Secondary Buildings (except Minor Additions).
- (8 9) *Combination of plantings.* Most any combination of plantings may be used to obtain the necessary number of Landscape Points provided that such combination otherwise complies with this Division. Different lots and landscapes will lend themselves to different types of plantings. The Building Commission encourages creativity and diversity in Landscaping.
- (9 10) *Landscaping installation required for occupancy.* The City will not issue a Certificate of Occupancy for a Structure until Landscaping and the Irrigation System have been installed in accordance with the filed Landscape Plan; provided, however, that if a Structure and all its site improvements are complete except for the Landscaping requirements and the season of the year will not permit planting, temporary occupancy may be permitted until a date certain in the growing season. In such case, the City will set a future inspection date to determine that the Landscaping has been installed for issuance of a permanent Certificate of Occupancy.

Section 2. Section 50-736 of the Nichols Hills City Code is amended as follows, with deleted language stricken through and new language underlined, to wit:

Sec. 50-736. 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.

- (4) *Application attachments for façade Alterations.* In addition to the attachments required by subsection (1) of this Section, for façade Alterations that require a Certificate of Approval pursuant to Section 50-673(c), the following are required:
 - a. *Narrative.* A narrative describing the project.
 - b. *Pictures.* Pictures of the subject Building.

- c. *Elevation.* Street-level front elevation, drawn to scale.
- d. *Samples.* Color and material samples, if available and if applicable to the proposed work.
- e. *Drawings.* Drawings, images, and plans showing details of the project.
- f. *Contractor.* The name and address of the proposed general contractor for the project.
- g. *Drainage plans.* Drainage plans as set out in subsection (5) of this Section may be required if the façade Alteration involves significant changes to the roof or gutter system. If such changes are proposed, the Code Official will coordinate a meeting with two Building Commissioners, at which meeting the Commissioners will offer a recommendation as to whether the City should require drainage plans for the project. The Code Official will consider such recommendation in making a determination and instruct the applicant accordingly.
- h. *Landscape Plan.* A Landscape Plan as set out in Article II, Division 8 of this Chapter ~~may be required if the façade alteration will require the removal of all or substantially all of the Front Yard Landscaping. If such removal would be required for the project, the Code Official will coordinate a meeting with two Building Commissioners, at which meeting the Commissioners will offer a recommendation as to whether the City should require a Landscape Plan for the project. The Code Official will consider such recommendation in making a determination and instruct the applicant accordingly if required by Section 50-251(3).~~

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 _____, 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 APPLICATIONS FOR CERTIFICATES OF APPROVAL FROM THE BUILDING COMMISSION; 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 50-244 is hereby amended, with new language underlined, to wit:

Sec. 50-244. Definitions.

The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

Groundcover means an Evergreen or deciduous planting 24 inches or less in height. Groundcover for purposes of this Chapter does not include sod.

Section 2. Section 50-251 is hereby amended, with deleted language stricken through and new language underlined, to wit:

Sec. 50-251. Landscaping requirements for construction in the One- and Two-Family Residential Zoning Districts.

Construction in the E-1 Estate District, the E-2 Urban Estate District, the R-1-75 Single-Family Residential District, the R-1-60 Single-Family Residential District, and the R-2 Two-Family Residential District that requires a Certificate of Approval from the Building Commission must meet the applicable requirements and restrictions set out in this Chapter and the provisions applicable for the project set out below.

- (3) *Required Landscape Points.* The Landscape Plan required by this Section must meet or exceed 33 Landscape Points for every 1,000 square feet of Front Yard and Side Yard, with a minimum of 300 Landscape Points. Landscape Point values are set out in Section 50-252. For the purpose of determining the required number of Landscape Points, the following apply for calculations:

- a. The Front Yard and Side Yard square footage includes all paving and hardscape.
- b. The area between the curb and the ~~Lot~~ Property Line is treated as Landscaped Area.

In creating the Landscape Plan, the applicant should calculate the required Landscape Points for the project; determine the percentages and location of plantings, quantity, type, and size of plant materials needed to meet the Landscape Point requirements; develop a Landscape Plan that meets the Landscape Point requirements and that shows the calculation of those Landscape Points on it. The City ~~has available~~ provides a Residential Landscape Plan Landscape Point Calculation Form to be used in calculating Landscape Points. In addition, the Nichols Hills Building Commission Building Demolition, Design, and Construction guidelines contain several examples of Landscape Points for the Single-Family and Two-Family Residential Districts.

- (4) *Tree requirements* Number of new Trees required. A minimum of one new Tree with a minimum Caliper of three inches is required for every 2,000 square feet of Front Yard and Side Yard. Such Trees will count toward the required number of Landscape Points. Existing trees, including Significant Trees, in the Rear Yard may not be counted toward the required Landscape Points.

Section 3. Section 50-736 is hereby amended, with deleted language stricken through and new language underlined, to wit:

Sec. 50-736. Application for Certificate of Approval.

- (3) *Application attachments for construction of Main Buildings, Secondary Buildings, and Additions.* In addition to the attachments required by subsection (1) of this Section, for construction of a new Main Building or Secondary Building, or construction of an Addition, the following are required:

- b. *Survey.* A survey, prepared by a licensed surveyor registered in this state, of the boundaries of the Lot on which the Building or Addition is to be located, showing the Lot Width (as defined in Section 50-3), all easements, setbacks, and any other significant site features. ~~and stating the existing and proposed Lot Coverage and the existing and proposed Floor Area Ratio (FAR), as such terms are defined in Section 50-3, with calculations for each shown based on square feet.~~
- c. *Site Plan.* A Site Plan, drawn to scale, showing the location of the proposed Building or proposed Addition, the Lot Width (as defined in Section 50-3), all

easements, setbacks, curb cuts, driveways, and other site improvements and significant site features, including drainage information as detailed in subsection (5) of this Section. ~~The Site Plan must also state the existing and proposed Lot Coverage and the existing and proposed Floor Area Ratio (FAR), as such terms are defined in Section 50-3, with calculations for each shown based on square feet.~~ All proposed retaining walls, if any, must be indicated with the top of wall elevation and the finish grade elevation on each side of each proposed retaining wall.

- f. *Elevations.* Elevation drawings of all sides of the proposed Building or proposed Addition, showing the overall maximum height of the proposed Building or Addition above the Centroid, plate heights, and the maximum height of all rear ridge elevations. The applicable No-Build Vertical Envelope should be drawn to scale.

- i. *Property Calculation Form.* A properly completed Property Calculation Form, the form of which is part of the application form, stating the property's dimensions; the Building Lot Coverage and Floor Area Ratio (FAR), as such terms are defined in Section 50-3, with calculations for each shown based on square feet; the impervious site area; proposed maximum Centroid height, and such other information required as indicated on the form. For irregular lots, the surveyor, engineer or architect for the project must provide a certified stamped letter stating the square footage of the Buildable Area, as defined in Section 50-3 or provide a signature and stamp on the Property Calculation Form.
- j. *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 as 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~~ the Centroid Calculation Form determination signed and sealed by a licensed surveyor, engineer or architect.

1. Landscape Plan and Residential Landscape Plan Landscape Point Calculation Form. A Landscape Plan as required by Division 6 of Article II of this Chapter and a properly completed Residential Landscape Plan Landscape Point Calculation Form, the form of which is part of the application form.

- o. *Pictures.* For Additions to Buildings, pictures of all sides of the subject Building(s).
- p. *Samples.* Color and material samples of exterior surfaces, if available (unless shown on the renderings) and if applicable to the proposed work.

Section 4. All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 5. 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 6. 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