

AGENDA

Regular Meeting of the
Nichols Hills Building Commission
Tuesday, May 16, 2023 at 4:00 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 Building Commission only on items that appear on this Agenda. The Building 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 Building 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 Building Commission on any matter that is not otherwise set for consideration on this Agenda.

4. Minutes
 - a. March 21, 2023 Minutes
5. Public Hearings

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

- a. Certificate of Approval Application - 6833 NW Grand Boulevard, Nichols Hills, OK.
- b. Certificate of Approval Application - 6809 NW Grand Boulevard, Nichols Hills, OK.

6. Items for Separate Vote

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

- a. An Ordinance amending Section 50-140 of the Nichols Hills City Code regarding the prohibition of thin brick units and thin stone units as exterior building materials.
- b. An Ordinance amending Article V of Chapter 50 of the Nichols Hills City Code and related defined terms regarding the Building Commission review process.

7. Adjournment

I certify that the forgoing was filed in the Office of the City Clerk at 9:07AM on the 12th day of May, 2023 and posted in prominent view on the window at City Hall, 6407 Avondale Drive, at 9:30 AM on the 12th day of May, 2023; posted to the City of Nichols Hills website at <http://www.nicholshills.net> at 5:00 PM on the 12th of May, 2023; and transmitted by email at 5:00 PM on the 12th day of May, 2023 to those persons who have requested to be included on such notices pursuant to the Open Meeting Act and to those who have requested such notice.



City Clerk
City of Nichols Hills, Oklahoma

MINUTES

Regular Meeting of the
Nichols Hills Building Commission
Tuesday, March 21, 2023 at 4:00 PM
City Hall, 6407 Avondale Drive
Nichols Hills, OK 73116

**Original agenda filed in the Office of the City Clerk at 3:33 PM on
the 17th day of March, 2023.**

1. Call to Order
2. Roll Call

Attendee Name	Title	Status	Arrived
Larry Herzel	Chairman	Present	
John Lippert		Present	
Tori Raines		Present	
Rusty Caston		Present	
Jeff Oakley		Absent	

3. Citizens Desiring to be Heard

The purpose of this time is to allow members of the public to speak to the Building 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. February 21, 2023 Minutes

MOTION: Caston moved to approve the February 21, 2023 minutes as presented. Lippert seconded the motion.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Rusty Caston
SECONDER:	John Lippert
AYES:	Herzel, Lippert, Raines, Caston
ABSENT:	Oakley

5. Public Hearings

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

- a. Certificate of Approval Application - 1803 Huntington Avenue, Nichols Hills, OK.

Mr. Mark Gifford, with Maccini Construction Company, presented the application to the Building Commission.

Following discussion among the Building Commission members, staff and the applicant, Chairman Herzel opened the public hearing.

No one expressed a desire to be heard, the public hearing was closed.

MOTION: Herzel moved to approve subject to the following conditions: 1) Modify the front gable to a more traditional look; 2) Modify the stone and EFIS border above the garage to a clean straight border; 3) Attach the stone with brick ties as City Code requires for brick. Lippert seconded the motion.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Larry Herzel, Chairman
SECONDER:	John Lippert
AYES:	Herzel, Lippert, Raines, Caston
ABSENT:	Oakley

- b. Certificate of Approval Application - 1800 Drury Lane, Nichols Hills, OK.

Mr. Bruce Bockus, architect with Bockus Payne, presented the application to the Building Commission.

Following discussion among the Building Commission members, staff and applicant, Chairman Herzel opened the public hearing.

No one expressed a desire to be heard, the public hearing was closed.

MOTION: Caston moved to approve subject to revising the plans to show the backyard downspouts are tied in to the storm drains and Quadrant X1 grass will be real grass instead of artificial turf. Raines seconded the motion.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Rusty Caston
SECONDER:	Tori Raines
AYES:	Herzel, Lippert, Raines, Caston
ABSENT:	Oakley

- c. Certificate of Approval Application - 1419 Sherwood Lane, Nichols Hills, OK.

Mr. Chris Moock, with Cornerstone Homes, presented the application to the Building Commission.

Following discussion among the Building Commission members, staff and applicant, Chairman Herzel opened the public hearing.

No one expressed a desire to be heard, the public hearing was closed.

MOTION: Lippert moved to approve the application subject to: 1) The second-floor window be obscured glass. 2) Recalculate the centroid. 3) Add a retaining wall or berm in the backyard that would be enough to capture a 100-year rain. Caston seconded the motion.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	John Lippert
SECONDER:	Rusty Caston
AYES:	Herzel, Lippert, Raines, Caston
ABSENT:	Oakley

- d. Certificate of Approval Application - 2307 NW Grand Boulevard, Nichols Hills, OK.

Mr. Tom Krone, with Krone Construction, Inc., presented the application to the Building Commission.

Following discussion among the Building Commission members, staff, and the applicant, Chairman Herzel opened the public hearing.

No one expressed a desire to be heard, the public hearing was closed.

MOTION: Lippert moved to approve the application subject to: 1) Planting 12' evergreens in the backyard above the neighbor to the north. 2) Confirm attic space is in the total square footage calculation and update the plans. 3) Architect stamp from Oklahoma on the plans. Caston seconded the motion.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	John Lippert
SECONDER:	Rusty Caston
AYES:	Herzel, Lippert, Raines, Caston
ABSENT:	Oakley

- e. Certificate of Approval Application - 1831 Drakestone Avenue, Nichols Hills, OK.

Mr. Raj Ahmad, with Dream Construction, presented the application to the Building Commission.

Following discussion among the Building Commission members, staff, and applicant, Chairman Herzel opened the public hearing.

No one expressed a desire to be heard, the public hearing was closed.

MOTION: Herzel moved to approve the application subject to:
1) Switching the ADS drainage pipes to PVC. 2) Planting 12' tall evergreen landscaping along the rear property line to the north for privacy. 3) Updating the narrative to match the plans. Lippert seconded the motion.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Larry Herzel, Chairman
SECONDER:	John Lippert
AYES:	Herzel, Lippert, Raines, Caston
ABSENT:	Oakley

- f. Certificate of Approval Application - 1621 Bedford Drive, Nichols Hills, OK.

Mr. Jeff Blake, with Gumerson Blake Design Build, presented the application to the Building Commission.

Following discussion among the Building Commission members, staff, and applicant, Chairman Herzel opened the public hearing.

Ms. Jami VanCamp asked for clarification of where the proposed home will set on the lot and the type of roof materials that will be used.

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

MOTION: Raines moved to approve the application subject to:

1) Clarifying on the landscape plan the side-yard and front-yard landscaping calculations separately. 2) Providing the completed property calculation form on the website. 3) Updating the narrative on the privacy statement by deleting the statement “there are no windows on the east side of the residence.” 4) Deleting “verified by surveyor” on the site plan. Lippert seconded the motion.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Tori Raines
SECONDER:	John Lippert
AYES:	Herzel, Lippert, Raines, Caston
ABSENT:	Oakley

6. Items for Separate Vote

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

- a. An Ordinance amending Chapter 50 of the Nichols Hills City Code regarding solar energy systems.

Mrs. Carla Sharpe, attorney for the City, presented the proposed ordinance to the Building Commission.

MOTION: Caston moved to recommend approval to the Planning Commission. Raines seconded the motion.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Rusty Caston
SECONDER:	Tori Raines
AYES:	Herzel, Raines, Caston
ABSENT:	Lippert, Oakley

- b. An Ordinance adopting outdoor lighting regulations.

Mrs. Carla Sharpe, attorney for the City, presented the proposed ordinance to the Building Commission members.

MOTION: Raines moved to recommend approval to the Planning Commission with the amendment of removing the reference to the lighting plan coming before the Building Commission. Also, remove the check box from the Building Commission Guidelines for an outdoor lighting plan. Caston seconded the motion.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Tori Raines
SECONDER:	Rusty Caston
AYES:	Herzel, Raines, Caston
ABSENT:	Lippert, Oakley

c. Rendering requirements for certificate of approval applications.

Mrs. Carla Sharpe, attorney for the City, will meet with Chairman Herzel next month and draft an ordinance to review at the next meeting.

d. Landscaping plan and calculation requirements for facade changes.

Mrs. Carla Sharpe, attorney for the City, will meet with Chairman Herzel next month and draft an ordinance to review at the next meeting.

e. Proportionality requirements for certificate of approval applications.

Mrs. Carla Sharpe, attorney for the City, will meet with Chairman Herzel next month and draft an ordinance to review at the next meeting.

7. Adjournment

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

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Rusty Caston
SECONDER:	Tori Raines
AYES:	Herzel, Raines, Caston
ABSENT:	Lippert, Oakley

Chairman
Building Commission
City of Nichols Hills, Oklahoma

City Manager
Building Commission
City of Nichols Hills, Oklahoma

City Clerk
City of Nichols Hills, Oklahoma

See City Clerk's office.

Published in _____ on _____, 2023

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 50-140 OF THE NICHOLS HILLS CITY CODE REGARDING THE PROHIBITION OF THIN BRICK UNITS AND THIN STONE UNITS AS EXTERIOR BUILDING MATERIALS; 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 50-140 of the Nichols Hills City Code is amended as follows, with deleted language stricken through and new language underlined, to wit:

Sec. 50-140. Prohibited and allowed exterior building materials in residential districts.

(b) *Prohibited building materials.*

(1) *Prohibited exterior wall materials.*

j. Thin brick units and thin stone units applied without using veneer ties and
~~with~~ using primarily only adhesive or adhesive mortar.

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 _____, 2023.

APPROVED by the Mayor of the City of Nichols Hills, Oklahoma, on the ____ day of _____, 2023.

ATTEST:

Mayor

City Clerk

Reviewed as to Form and Legality:

City Attorney

Attachment: NH- Thin Brick Ordinance 4.18.23-2.1_ (6552 : Ordinance - thin brick and stone)

Published in _____ on _____, 2023

ORDINANCE NO. _____

AN ORDINANCE AMENDING ARTICLE V OF CHAPTER 50 OF THE NICHOLS HILLS CITY CODE AND RELATED DEFINED TERMS REGARDING THE BUILDING COMMISSION REVIEW PROCESS; 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. Article V of Chapter 50 of the Nichols Hills City Code is hereby amended, with deleted language stricken through and new language underlined, to wit:

ARTICLE V. BUILDING COMMISSION

DIVISION 1. GENERALLY

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

(a) Certificates of Approval required before other permits. Certificates of Approval issued by the Building Commission are required before application may be made for a permit to move or demolish a Building or for a Building Permit to construct a Main Building, a Secondary Building or an Addition ~~to a Main Building or Secondary Building~~ (except Minor Additions as defined in subsection (b)). Further, the Code Official may refer applications for certain alterations to Main Buildings or Secondary Buildings to the Building Commission for a Certificate of Approval prior to granting a Building Permit.

(b) *Minor Additions.* Building Commission review is not required for Minor Additions to the first floors of a Main Building or Secondary Building when such Additions are less than or equal to 15% of the total square footage of the existing Building, provided that such Minor Additions shall be allowed only once every ten years. Second and successive Additions within such 10-year period require Building Commission review.

(c) *Façade alterations.* Notwithstanding subsection (b) regarding Minor Additions, a Certificate of Approval is required if the appearance of the façade of a Building on its street-facing side will be altered, and such façade alterations span over 50 lineal feet of the Building or 50% of the façade. A Certificate of Approval pursuant to this subsection is not required for: (1) the removal and replacement of like materials to the façade; nor (2) the application of paint to or removal of paint from the façade, including applying paint to a previously unpainted façade.

(d) Certificates of Approval not required for stand-alone fence, swimming pool, Accessory Building or Accessory Structure projects. Certificates of Approval are not required to apply for Building Permits for fences, swimming pools, or Accessory Buildings or Accessory Structures when such proposed construction is the only work for which the Building Permit is sought. However, the Building Commission shall review proposals for fences, swimming pools, and Accessory Buildings, and Accessory Structures that are part of a proposed project that requires a Certificate of Approval.

(e) Violations. It is a violation of this Chapter for any person to move or demolish a Building or to construct a Main Building, Secondary Building, or an Addition to a Main or Secondary Building for which a Certificate of Approval is required until a Certificate of Approval has been obtained from the Building Commission as set out in this Article.

~~(f) While this Article does not require submittal of any documentation prior to formal application for a Certificate of Approval, property owners are encouraged to consult with the City prior to making formal application to become familiar with the policies and requirements set forth in this Article.~~

Sec. 50-342. Definitions.

In addition to the terms defined in Section 50-3, the following defined terms when used in this Article shall have the meanings ascribed to ~~it~~ them in this Section, except where the context clearly indicates a different meaning:

Architectural Resources means Buildings that possess significant local interest or significant artistic or architectural merit, that are particularly representative of their class or period, or that are particularly important to the City's history.

The City's Design and Construction Objectives mean those objectives set out in Section 50-344.

Sec. 50-343. Exceptions.

(a) Repairs that do not require a Building Permit. A Certificate of Approval is not required for repairs to existing Buildings that do not require a Building permit.

(b) PUDs. A Certificate of Approval is not required for Building Permits for Buildings in Planned Unit Developments.

(c) Public improvements. A Certificate of Approval is not required for construction, enhancement, demolition, Maintenance or repair of public improvements authorized by the City or a public trust having the City as its beneficiary.

(d) Minor Additions. As set out in Section 50-341(b), a Certificate of Approval is not required for certain Minor Additions.

Sec. 50-344. Purpose and intent of the Building moving, demolition, design, and construction review process; The City's Design and Construction Objectives.

The City's Building moving, demolition, design, and construction review process, requirements, and guidelines are intended to ensure that certain construction projects meet the City's Design and Construction Objectives, which are to:

- (a) Promote development planning in furtherance of the general descriptions and development regulations established for dwellings, churches, and commercial and office Buildings in the respective Districts within the City, as described in Article II of this Chapter.
- (b) Protect, preserve, and enhance the quality of the built environment by encouraging the highest standards in architectural and landscape design, building materials and workmanship, and aesthetic and proportional compatibility between new and existing Buildings.
- (c) Protect, preserve, and enhance the City as a place of timeless beauty, with many parks, open spaces, and well-kept beautiful residential landscapes in residential zoning districts.
- (d) Encourage preservation, protection, renovation, and restoration of Architectural Resources whenever reasonably possible.
- (e) Ensure that architecture and landscaping respect the privacy of adjacent properties.
- (f) Ensure that consideration is given to the proportionality of proposed Buildings in relation to Buildings on adjacent properties.

DIVISION 3. BUILDING COMMISSION REVIEW

Sec. 50-371. Demolition and Building review required.

The Building Commission shall review all applications for Certificates of Approval to determine whether each proposed project for which a Certificate of Approval is required meets The City's Design and Construction Objectives, allowing the applicant to proceed with the Building Permit process and where applicable, the Demolition Permit process.

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:

(a) Moving or demolishing Buildings. For moving or demolishing Buildings:

- (1) Narrative. A narrative explaining the desire for the proposed moving or demolition of the Building.
- (2) Pictures. Pictures of the subject Building.
- (3) Additional information for Dwellings. If the Building is a Dwelling:
 - a. Evidence of the ownership and management of the owner(s) if the owners (or any of them) is not an individual(s).
 - b. Evidence of the intended owner(s) and occupant(s) of the replacement Dwelling.
 - c. Evidence of the ability of the intended owner(s) of the replacement Dwelling to be able to finance its construction.
- (4) Construction information. All documents and information required for construction of the proposed replacement Building, as described below. If a replacement Building is not required by this Code, a description of the intended use of the property after the Building is moved or demolished is required.

(b) Construction of Main Building, Secondary Buildings, and Additions. For construction of a new Main Building or Secondary Building, or construction of an Addition ~~to an existing Main Building or Secondary Building:~~

- (1) Narrative. A narrative describing the project.
- (2) Survey. A survey, prepared by a licensed surveyor registered in this state, of the boundaries of the Lot on which the Building or Addition ~~to an existing Main or Secondary Building~~ is to be located 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.
- ~~(3) Except as set out in subsection (f), floor plans, renderings, elevation drawings, and other pertinent drawings, with the Centroid determined as set out in Section 50-3 and that determination signed and sealed by a licensed engineer or architect.~~
- ~~(4) A plot plan, drawn to scale, showing the location of the proposed Building or proposed Addition to an existing Main or Secondary Building on the lot, all easements, setbacks, curb cuts, and driveways.~~
- ~~(5) A site plan of the project depicting all adjacent development.~~

- (3) Floor plans. Floor plans.
- (4) Renderings. Renderings of the street-facing side(s) of the proposed Building. The requirement of renderings for Additions is addressed in subsection (g).
- (5) Elevations. Elevation drawings of all sides of the proposed Building or proposed Addition.
- (6) Site Plan. A Site Plan, drawn to scale, showing the location of the proposed Building or proposed Addition, all easements, setbacks, curb cuts, driveways, and other site improvements.
- (7) Foundation Plan. A foundation Plan prepared by a licensed engineer or architect.
- ~~(8) For new Main or Secondary Buildings, an exterior lighting plan. For Additions to Main or Secondary Buildings, an exterior lighting plan is required if changes to existing conditions are to be made.~~
- (8) Other drawings. Other drawings or materials not included in the City's requirements that the applicant believes are pertinent to the project and would be helpful to the Building Commission.
- (9) Property Calculation Form. A properly completed Property Calculation form, the form of which is part of the application form. For irregular lots, the surveyor 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.
- (10) Centroid Calculation Form. A properly completed Centroid Calculation form, the form of which is part of the application form. 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.
- ~~(6~~ 11) Drainage information. Drainage information, including grading plans, as detailed in subsection (f).
- ~~(7~~ 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, ~~including information reflecting that reflect~~ the impact of the proposed Building or Addition on the privacy of adjacent Buildings.

(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 properly depicts the proportionality and relative height of the proposed Building or Addition compared to the Buildings, if any, on both sides of the proposed Building or Addition.

~~(10)~~ 15) Pictures. For Additions to Buildings, pictures of the subject Building(s).

~~(14)~~ 16) Samples. Color and material samples, if available and if applicable to the proposed work.

~~(13)~~ 17) Contractor. The name and address of the proposed general contractor for the project.

~~(9)~~ 18) For church, office, and commercial Buildings, additional information may be required by the Building Commission.

(c) Façade alterations. For façade alterations requiring a Certificate of Approval pursuant to Section 50-341(c):

(1) A narrative describing the project.

(2) Pictures of the subject Building(s).

(3) Street-level front elevation, drawn to scale.

(4) Color and material samples, if available and if applicable to the proposed work.

(5) Drawings, images, and plans showing details of the project.

(6) The name and address of the proposed general contractor for the project.

(7) Drainage plans as set out in subsection (f) may be required if the façade alteration involved 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.

(8) A Landscape Plan as set out in subsection (b)(12) 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.

(e d) Assessor report. For all applications, a report certified by the Oklahoma County Assessor or certified by a bonded abstractor stating the names, addresses, and contact information for the owners of property within a 300-foot radius of the exterior boundary of the Building proposed to be moved, demolished or constructed, such radius to be extended by increments of 100 linear feet until the list of property owners includes not less than ten individual property owners of separate parcels.

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

(e f) Drainage plans and information. For all applications, a certification from the engineer who prepared the required drainage plan that, after construction and permanent and final stabilization has taken place, the proposed construction:

- (1) does not change the point of stormwater discharge; and
- (2) does not change the stormwater drainage from sheet flow to point discharge; and
- (3) does not increase the flow to exceed the capacity of existing underground drainage pipes to the street.

If such engineer cannot certify that (1) through (3) are true, written consent to such circumstances from all affected adjacent property owners must be attached to the application.

Further, the applicant must show the following, as applicable:

- (1) Zero increase in impervious surface area. If the increase in impervious surface area (defined below) from the existing lot configuration to the proposed Lot configuration is equal to or less than zero square feet, the applicant must provide a site plan showing the impervious area square footage of both the current site and the proposed site, with clear dimensions such that the square footage of impervious surface area is verifiable. The site plan must also show grading contours and flow arrows indicating the Lot's topography.
- (2) Increase in impervious surface area greater than zero square feet. If the increase in impervious surface area from the existing Lot configuration to the proposed Lot configuration is greater than zero square feet, the applicant must provide a site drainage plan, signed and sealed by a registered professional civil engineer, that delineates existing and proposed storm water runoff patterns. The site plan must also show grading contours and flow arrows indicating the Lot's topography. If the

site plan indicates an increase in stormwater runoff onto adjacent property, the applicant must also provide:

- (a) site drainage calculations, signed and sealed by a registered professional civil engineer, showing the 100-year stormwater runoff for the historical and proposed layouts in all directions that affect adjacent properties; and
- (b) a site plan indicating the proposed efforts to be taken such that, after construction and permanent and final stabilization has taken place, stormwater will be directed to the street and/or storm sewer system and away from adjacent properties, such as yard drains and gutters. Any increase in point flows will not be permitted.

Impervious surface means a surface that is hard and impenetrable that does not allow stormwater infiltration into the underlying soil. Impervious surfaces include streets, roofs, parking areas, driveways, swimming pools, and walkways, any one of which are made of asphalt, concrete, brick, stone, or plastics.

For reference, *pervious surface* means a surface that allows the percolation of water into the underlying soil. Pervious surfaces include grass, mulched groundcover, planted areas, vegetated roofs, permeable paving (with verified data sheet), and porches and decks that are erected on pier foundations that maintain the covered Lot surface's water permeability underneath.

(f g) Renderings for Additions. Renderings are not required for Rear Yard Additions that are not visible from the Street or any public way. For construction of an Addition ~~to an existing Main Building or Secondary Building~~, renderings may be required for Front Yard Additions, ~~and for~~ Side Yard Additions, and for Rear Yard Additions that are visible from a Street or any public way. In order to make a recommendation, 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 renderings for the project. The Code Official will consider such recommendation in making a determination and instruct the applicant accordingly.

Sec. 50-373. Application fee.

A nonrefundable fee in the amount established in the City Fee Schedule must be paid to the City by the owner(s) with submission of the application for a Certificate of Approval.

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

The Building Commission shall hold a public hearing regarding each Certificate of Approval. The City shall arrange for notice of the hearing to be given by publication in a newspaper of general circulation in the City and by mailing written notice ~~by registered or certified mail~~ not less than ten calendar days before the date of the Building Commission's hearing to the applicant and to the owners of property within a 300-foot radius of the exterior boundary of the subject property as their names and addresses appear in the report

provided by the applicant pursuant to Section 50-372. The notice of the public hearings must contain the street address of the property on which the Building to be moved, demolished or constructed is located or approximate location in the City; and the date, time, and location of the hearing. In addition, a copy of the notice of hearing must be posted on the subject property not less than ten days prior to the hearing. In addition, a copy of the notice of hearing must be posted on the subject property not less than ten days prior to the hearing.

DIVISION 4. DEMOLITION AND BUILDING REQUIREMENTS AND GUIDELINES

Sec. 50-396. Other Code requirements apply.

The Building moving, demolition, and construction requirements and guidelines in this Division are in addition to other requirements of this Code. When issued, Certificates of Approval approve a proposed project as meeting The City's Design and Construction Objectives. As set out in Section 50-188, after the Certificate of Approval is issued, the applicant may proceed with an application for a Building Permit and if applicable, for a Demolition Permit, as set out in Section 8-378.

Section 2. Section 50-3 of the Nichols Hills City Code is hereby amended, with deleted language stricken through and new language underlined, to wit:

Sec. 50-3. Definitions.

Buildable Area means that portion of a single parcel of land available to be occupied or intended to be occupied by a Building or Structure, determined as follows:

(a) *Buildable Area in the R-1-75 and R-1-60 Residential Districts.* For Buildings in the R-1-75 and R-1-60 Residential Districts, the Buildable Area for Main Buildings is that area between the Front Yard Setback line, the Side Yard Setback lines, and a measured line of 10'-0" parallel to the rear property line(s).

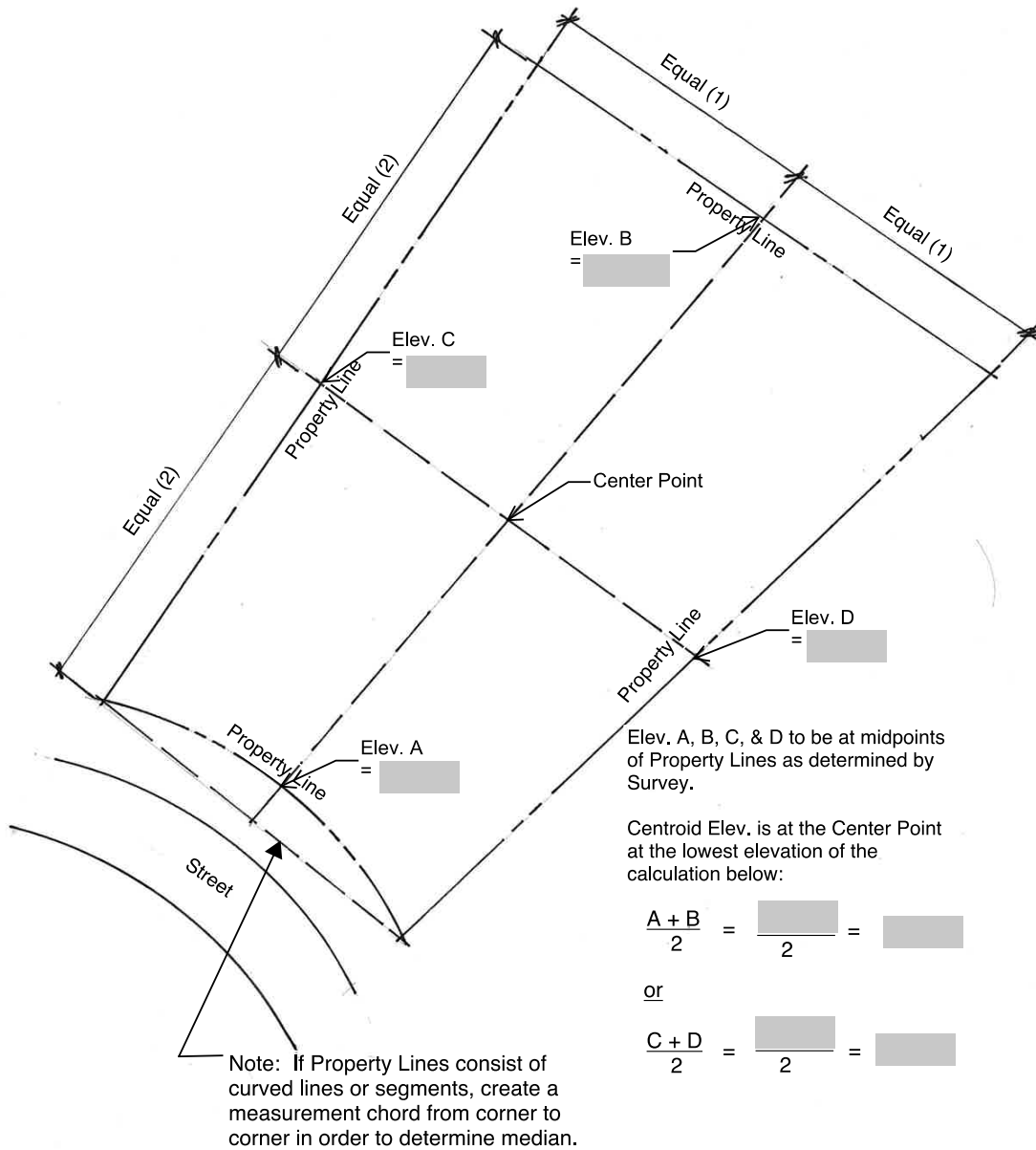
(b) *Buildable Area in all other Zoning Districts.* In all Zoning Districts other than the R-1-75 and R-1-60 Residential Districts, the Buildable Area for Main Buildings is that area between the Front Yard Setback line, the Side Yard Setback lines, and the Rear Yard Setback line.

Centroid means a point located in three dimensions at the center point of the Lot, with the center point of the Lot and the elevation of the Centroid determined as follows and as depicted below, using the Setbacks for the Main Building.

(a) *Determining the center point of the Lot.* The center point of the Lot is determined by the intersection of Line A and Line B. ~~Line A is drawn from the median of the Front Yard Setback to the median of the Rear Yard Setback Line. Line B is draft from the median of the distance between the Front Yard Setback and the Rear Yard Setback on each of the side Property Lines.~~ Line A-B drawn from the median of the front Property Line to the median of the rear Property Line and of Line C-D drawn from the median of each of the side Property Lines.

(b) *Determining the elevation.* The elevation of the Centroid is ~~determined by extending vertically from the center point of the Lot to the lower point on either Line A or Line B where: (1) the beginning and endpoints of Line A originate at the natural grade points at the median of the Front Yard Setback and the Rear Yard Setback; and (2) the beginning and endpoints of Line B originate at the natural grade points at the two side property lines.~~ the lower elevation of Line A-B and Line C-D as they cross over the center point. The center point elevation of Line A-B is one half of the sum of the natural grades, as determined by survey, at the front Property Line and the rear Property Line. The center point elevation of Line C-D is one half of the sum of the natural grades, as determined by survey, at the two side Property Lines.

Section 3. Section 50-3 is further amended as to the definition of Centroid by removing the existing depiction of Centroid and replacing it with the following:



CENTROID CALCULATION

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 _____, 2023.

APPROVED by the Mayor of the City of Nichols Hills, Oklahoma, on the _____ day of _____, 2023.

ATTEST:

Mayor

—

City Clerk

Reviewed as to Form and Legality:

City Attorney