

1. Agenda

Documents:

[2023-03-21 BUILDING COMMISSION - PUBLIC AGENDA-1792.PDF](#)

2. Meeting Materials

Documents:

[2023-03-21 BUILDING COMMISSION - FULL AGENDA-1792.PDF](#)

AGENDA

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

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. February 21, 2023 Minutes
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.
- b. Certificate of Approval Application - 1800 Drury Lane, Nichols Hills, OK.
- c. Certificate of Approval Application - 1419 Sherwood Lane, Nichols Hills, OK.

- d. Certificate of Approval Application - 2307 NW Grand Boulevard, Nichols Hills, OK.
- e. Certificate of Approval Application - 1831 Drakestone Avenue, Nichols Hills, OK.
- f. Certificate of Approval Application - 1621 Bedford Drive, 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 Chapter 50 of the Nichols Hills City Code regarding solar energy systems.
- b. An Ordinance adopting outdoor lighting regulations.
- c. Rendering requirements for certificate of approval applications.
- d. Landscaping plan and calculation requirements for facade changes.
- e. Proportionality requirements for certificate of approval applications.

7. Adjournment

I certify that the forgoing was filed in the Office of the City Clerk at 3:23 PM on the 17th day of March, 2023 and posted in prominent view on the window at City Hall, 6407 Avondale Drive, at 3:45 PM on the 17th day of March, 2023; posted to the City of Nichols Hills website at <http://www.nicholshills.net> at 5:00 PM on the 17th of March, 2023; and transmitted by email at 5:00 PM on the 17th day of March, 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

AGENDA

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City Clerk
City of Nichols Hills, Oklahoma

MINUTES

Regular Meeting of the
Nichols Hills Building Commission
Tuesday, February 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 9:56 AM on
the 17th day of February, 2023.**

1. Call to Order
2. Roll Call

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

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. January 17, 2023 Minutes

MOTION: Lippert moved to approve the January 17, 2023 minutes as presented. Raines seconded the motion.

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

5. Public Hearings

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

- a. Certificate of Approval Application - 6421 Centennial Court, Nichols Hills, OK.

Mr. Sri Jonnada presented the application to the Building Commission members.

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

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

MOTION: Caston moved to approve agenda item 5a subject to amending the plans to show the wall on the west side of the balcony extending out towards the street. Lippert seconded the motion.

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

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

MOTION: Raines moved to continue agenda item 5b to the next regular meeting on March 21, 2023 to see revised plans from the applicant. Lippert seconded the motion.

Attachment: February 21 2023 Minutes (6433 : 3 February 21, 2023 Minutes)

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

- c. Certificate of Approval Application - 7007 Nichols Road, Nichols Hills, OK.

Mr. Donald Bullard, property owner, presented the application to the Building Commission members.

Following discussion among the Building Commission members, staff, and applicant, Vice-Chairman Oakley opened the public hearing

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

MOTION: Lippert moved to approve agenda item 5c subject to updating the drainage plan to show PVC Schedule 40 pipe in place of the ADS pipe. Caston seconded the motion.

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

- d. Certificate of Approval Application - 1823 Dorchester Drive, Nichols Hills, OK.

Ms. Hollie Hunt, architect with Sam Gresham Architecture, presented the application to the Building Commission.

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

Ms. Anna Covington, property owner, asked for clarification of the type of evergreens allowed for the privacy screen.

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

MOTION: Caston moved to approve agenda item 5d subject to: 1) Amending the drainage plan, C103, to show the actual drainage plan with the drain lines being split into 4-inch pipes and ran through the curb. 2) Amending the landscape plan to show the calculations broken out for the front and back yard. 3) Showing on the landscape plan, the planting of 12-foot evergreens along the back fence to provide a privacy screen. Raines seconded the motion.

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

6. Adjournment

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

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

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.

See City Clerk's office.

See City Clerk's office.

See City Clerk's office.

See City Clerk's office.

See City Clerk's office.

Published in _____ on _____, 2023

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 50 OF THE NICHOLS HILLS CITY CODE REGARDING SOLAR ENERGY SYSTEMS; 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, *Zoning*, Article II, *District Regulations*, of the Nichols Hills City Code is hereby amended by the addition of Division 12, with new language underlined, to wit:

DIVISION 12. SOLAR ENERGY SYSTEMS

Sec. 50-700. Definitions.

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

Ground-Mounted Solar Energy System means a Solar Energy System mounted on the ground and not attached to any other structure other than structural supports.

Roof-Mounted Solar Energy System means a Solar Energy System that is structurally mounted to the roof of a Building or Structure.

Solar Energy System means a system intended to convert solar energy into thermal, mechanical or electrical energy. Solar Energy Systems may be Ground-Mounted or Roof-Mounted and may be comprised of Solar Panels or Solar Tiles.

Solar Panel means a group of photovoltaic cells assembled on a panel and which are assembled on-site into solar arrays.

Solar Tile means photovoltaic roof tiles designed to look like and function as conventional roofing materials, such as asphalt shingles or slate.

Sec. 50-701. Solar Energy System Permits required to install Solar Energy Systems.

Solar Energy Systems may not be installed in any Zoning District until a Solar Energy System Permit therefor has been issued by the Code Official or his designee in accordance with this Division.

Sec. 50-702. Application for permit to install Solar Energy Systems.

Persons wishing to install a Solar Energy System shall file a written application for a Solar Energy System Permit to do so on an application form supplied by the City Clerk. Applications must be certified by the owner(s) of the property. The following attachments (the details of which are stated in the application form) and all other information required by the application form, must accompany the application:

- (1) A site plan showing the project address, scope of work, property lines, footprint of the Buildings and Structures on the property, and location of the proposed Solar Energy System.
- (2) Blueprints or drawings of the Solar Energy System showing the proposed layout of the system, the distance between the proposed system and all Property Lines, and the tallest finished height of the proposed system.
- (3) Name, address, and contact information for proposed system installer.
- (4) Documentation that the owner has submitted notification to the utility company of the customer's intent to install an interconnected customer-owned generator. Off-grid systems are exempt from this requirement.

The application will be considered officially submitted and filed only after it is examined by the Code Official or his designee and found to be complete. Installation of the Solar Energy System may not be commenced until a Solar Energy System Permit has been issued by the City.

Sec. 50-703. Application fee for Solar Energy System Permit.

A nonrefundable fee in the amount established in the City Fee Schedule must be paid to the City by the applicant with submission of the application for a Solar Energy System Permit.

Sec. 850-704. Code Official review; issuance of Solar Energy System Permit.

The Code Official or his designee shall assess the application. A Solar Energy System Permit shall be issued by the Code Official or his designee if he finds that the applicant has complied with all of the applicable provisions of this Division. The permit will be valid for six months from the date of issuance.

Sec. 50-705. Revocation of Solar Energy System Permit.

The Code Official shall have the power to revoke any Solar Energy System Permit upon determination by the City of any material departure from compliance the documents submitted to the City with the application or of any false statements or representations as to material fact relating to the design, construction, installation, alteration or repair of the Solar Energy System.

Sec. 50-706. Standards for Solar Energy Systems in all Zoning Districts.

Solar Energy Systems installed on any property within the City must comply with the standards and requirements in this Section regardless of Zoning District classification, as follows.

(a) *Design, construction, installation, alteration and repair of Solar Energy Systems must comply with applicable laws and standards.* All Solar Energy Systems must comply with and be designed, constructed, installed, altered, and repaired in accordance with applicable law, including the applicable provisions of the National Electric Code and the International Codes as adopted by the City, and the International Code Committee's 2021 Solar Energy Provisions. The City recognizes that new technologies may be developed in the future related to Solar Energy Systems. It is the City's intent that installation of all Solar Energy Systems in the City and the manufacture of such systems to be installed in the City comply with the highest and best installation standards then in effect as stated in applicable law and published standards.

(b) *Installer accreditation.* Solar Energy Systems must be installed and serviced by a company with at least one NABCEP Board Certified PV Installation Professional (PVIP) on staff.

(c) *Conditions on issuance of permits.* The Code Official is authorized to impose conditions on issuance of Solar Energy System Permits to address health and safety concerns.

(d) *Inspection.* All installation work for a Solar Energy System for which a permit is required shall be subject to inspection by the Code Official.

Sec. 50-707. Additional standards and requirements for Roof-Mounted Solar Energy Systems.

In addition to meeting the applicable standards and requirements set out in Section 50-706, all Roof-Mounted Solar Energy Systems must meet the following standards and requirements:

(a) *Location.* Roof-Mounted Solar Energy Systems may be located on any roof face of a Main Building, a Secondary Building or Accessory Building or Accessory Structure; provided, however, Solar Panels may not be located on a street-facing side of the roof. In the Residential Zoning Districts, Solar Panels may be located only on the portion of the roof facing the Rear Yard or on the portion of the roof facing a Side Yard that faces south. Solar Tiles may be installed on any part of a roof.

(b) *Flush Mount.* Solar Panels must be flush mounted whenever possible.

(c) *Height.* Roof-Mounted Solar Energy Systems may not extend beyond: (1) 12 inches parallel to the roof surface in the Single-Family and Two-Family Residential Zoning Districts; and (2) 36 inches parallel to the roof structure 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.

(d) *Extension.* A Roof-Mounted Solar Energy System may not extend beyond the exterior perimeter of the Building or Structure on which it is mounted.

(e) Materials. All materials used for racking, mounts, mounting clamps, and flashings must be of a color consistent with the color of the roof surface to minimize visibility.

(f) Emergency access. Roof-mounted Solar Energy Systems must be located in such a manner as to ensure emergency access to the roof, provide pathways to specific areas of the roof, provide for smoke ventilation opportunities, and provide emergency egress from the roof.

Sec. 50-708. Additional standards and requirements for Ground-Mounted Solar Energy Systems.

In addition to meeting the applicable standards and requirements set out in Section 50-706, all Ground-Mounted Solar Energy Systems must meet the following standards and requirements:

(a) Location. Ground-Mounted Solar Energy Systems are allowed in the Side Yard or Rear Yard only. Ground-Mounted Solar Energy Systems that are visible from a street or any public way must be screened with landscaping or fencing.

(b) In the Single-Family and Two-Family Residential Zoning Districts, the area of the system surface may not exceed ten percent of the Lot area.

(c) The maximum height of a Ground-Mounted Solar Energy System may not exceed 12 feet when oriented at maximum tilt, measured from the grade at the base of the pole to the highest edge of the system.

(d) The minimum clearance between the lowest point of the system and the surface on which the system is mounted is 12 inches.

(e) The area covered by the system is not included in the calculations for Lot Coverage.

Sec. 50-709. Required maintenance of Solar Energy Systems.

Solar Energy Systems must be maintained in good condition in all respects, including the functioning of the equipment, by the property owner.

Secs. 50-710—50-725. Reserved.

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 _____, 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

Published in _____ on _____, 2023

ORDINANCE NO. _____

AN ORDINANCE ADOPTING OUTDOOR LIGHTING REGULATIONS; 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, *Zoning*, Article II, *District Regulations*, of the Nichols Hills City Code is hereby amended by the addition of Division 9, with new language underlined, to wit:

Division 9 – Outdoor Lighting Regulations

Sec. 50-400. Definitions.

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

Backlight means for an outdoor Luminaire, Lumens emitted in the quarter sphere below horizontal and in the opposite direction of the intended orientation of the Luminaire. For Luminaires with symmetric distribution, backlight will be the same as front light.

Footcandle means the unit of measure expressing the quantity of light received on a surface. One Footcandle is the illuminance produced by a candle on a surface. One Footcandle is the illuminance produced by a candle on the surface of one foot square from a distance of one foot.

Fully Shielded Luminaire means a Luminaire constructed and installed in such a manner that all light emitted by the Luminaire, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the Luminaire, is projected below the horizontal plane through the Luminaire's lowest light-emitting part.

Glare means lighting entering the eye directly from Luminaires or indirectly from reflective surfaces that causes visual discomfort or reduced visibility.

Lamp means a generic term for a source of optical radiation (i.e. light), often called a "bulb" or "tube." Examples include incandescent, fluorescent, high-intensity discharge (HID) lamps, low pressure sodium (LPS) lamps, and light-emitting diode (LED) modules and arrays.

Landscape lighting means lighting of trees, shrubs, or other plant material and other landscape features.

LED means Light Emitting Diode.

Light Source means a device, which, when activated (electronically or otherwise), emits light. Light Sources include incandescent filament bulbs, electric discharge bulbs, light emitting diodes (LED), halogen bulbs, fluorescent bulbs, compact fluorescent bulbs (CFL), and metal halide bulbs.

Light Trespass means light that falls beyond the property it is intended to illuminate. Light Trespass includes unwanted spillage of light onto adjacent areas that may affect sensitive receptions, particularly residential properties and ecological sites.

Lighting means “electric” or “man-made” or “artificial” light.

Lighting Controls means a control device or system designed to control the time a Luminaire is lit, such as a timer; motion detector; a photoelectric switch (a control device employing a photocell or photodiode to detect daylight and automatically switch lights off when sufficient daylight is available); an astronomic time switch (an automatic lighting control device that switches Outdoor Lighting relative to time of solar day within time of year correction); or equivalent functions from a programmable lighting controller, Building automation system or lighting energy management system, all with battery or similar backup power or device.

Low Voltage Landscape Lighting means landscape lighting powered at less than 15 volts and limited to Luminaires having a rated initial Luminaire Lumen output of 525 Lumens or less.

Lumen means the unit of measure used to quantify the amount of light produced by a lamp or emitted from a Luminaire (as distinct from “Watt” which is a measure of power consumption).

Luminaire means the complete lighting unit (fixture), consisting of a lamp or lamps and ballast, together with the parts designed to distribute the light (reflector, lens, diffuser) to position and protect the lamps, and to connect the lamps to the power supply.

Luminaire Lumens means for Luminaires with relative photometry per IES, the sum of the initial Lamp Lumens for all lamps within an individual Luminaire, multiplied by the Luminaire efficiency. If the efficiency is not known for a single-family or two-family residence, assume 70%. For Luminaires with absolute photometry per IES LM-79, it is the total Luminaire Lumens. The Lumen rating of a Luminaire assumes the lamp or Luminaire is new and has not depreciated in light output.

Mounting Height means the height of the photometric center of a Luminaire above grade level.

New Lighting means lighting for areas not previously illuminated; newly installed lighting of any type except for Replacement Lighting or lighting Repairs.

Outdoor Lighting means lighting equipment installed within the property line and outside the Building envelopes, whether attached to Buildings or Structures, poles, the earth or any other location and associated Lighting Controls.

Preexisting Luminaire means a Luminaire existing as of the effective date of this Division that was permitted and installed in accordance with the adopted codes and regulations applicable at the time of installation of the Luminaire.

Repair(s) [of a Luminaire] means the reconstruction or renewal of any part of an existing Luminaire for the purpose of its ongoing operation, other than re-lamping or replacement of components including capacitor, ballast or photocell. Note that retrofitting a Luminaire with a new lamp and/or ballast technology is not considered a Repair and for the purposes of this Division, the Luminaire will be treated as if new. Repair does not include normal re-lamping or replacement of components, including capacitors, ballasts, drivers or photocells.

Replacement Lighting means lighting installed specifically to replace existing lighting that is sufficiently broken to be beyond repair.

Shielding means an opaque material that blocks the transmission of light. Shielded means a Luminaire has had Shielding used to block the transmission of light.

Unshielded Luminaire means a Luminaire capable of emitting light in any direction, including downwards.

Uplight means for an exterior Luminaire, flux radiated in the hemisphere at or above the horizontal plane.

Watt means measure of power consumption.

Sec. 50-401. Purpose of the Outdoor Lighting regulations; dark sky principles.

The purpose of this Division is to meet the standards for Outdoor Lighting set out in the *Nichols Hills Building Commission Building, Demolition, Design, and Construction Guidelines* regarding privacy and lighting and to provide regulations that support the “dark sky” principles for responsible Outdoor Lighting stated by the International Dark Sky Association:

- (1) Use light only if it is needed. All Outdoor Lighting should be useful and have a clear purpose.

- (2) Direct light so it falls only where it is needed. Use Shielding and careful aiming to target the direction of the outdoor light beam so that it points downward and does not trespass beyond where it is needed.
- (3) Light should be no brighter than necessary. Use the lowest light level required. Be mindful of surface conditions, as some conditions may reflect more light into the night sky than intended.
- (4) Use light only when it is needed. Use Lighting Controls to ensure that Outdoor Lighting is available when it is needed, dimmed when possible, and turned off when not needed.
- (5) Use warmer color lights. Limit the amount of shorter wavelength (blue-violet) light to the least amount needed.

The City has based most of its Outdoor Lighting regulations on those regulations for Lighting Zone 1 “Low ambient lighting” zone as determined by the International Dark Sky Association. The City evaluates Outdoor Lighting in its review processes to ensure that the functional and security needs of each property are met in a way that does not adversely affect the adjacent properties or neighborhood. The degree to which Outdoor Lighting at Night (LAN) affects a property owner or neighborhood will be examined by considering the Light Source, Luminaire type, Mounting Height, location, Lumen output, level of illumination (Footcandles), hours of illumination (Lighting Controls), and need for illumination in relation to the effects of the lighting on the adjacent property owners and the neighborhood.

Sec. 50-402. Permits required to install Outdoor Lighting when Electrical Code Permit is required.

When the City Code requires an Electrical Permit, as set out in Chapter 8, Article III, New Lighting and Replacement Lighting may not be installed in any Zoning District until an Outdoor Lighting Permit for such lighting has been issued by the Code Official or his designee in accordance with this Division. Outdoor Lighting installed as part of a construction project that is subject to review by the Nichols Hills Building Commission will be reviewed by the Building Commission in accordance with the process set out in Article V of this Chapter.

Sec. 50-403. Application for Outdoor Lighting Permit.

Persons wishing to install New Lighting and/or Replacement Lighting for which a Permit is required pursuant to Section 50-402 shall file a written application for an Outdoor Lighting Permit to do so on an application form supplied by the City Clerk. Applications must be certified by the owner(s) of the property. An Outdoor Lighting Plan meeting the requirements set out in Section 50-412 and all other information required by the application form, must accompany the application. The application will be considered officially

submitted and filed only after it is examined by the Code Official or his designee and found to be complete. Installation of the Outdoor Lighting may not be commenced until an Outdoor Lighting Permit has been issued by the City.

Sec. 50-404. Application fee for Outdoor Lighting Permit.

A nonrefundable fee in the amount established in the City Fee Schedule must be paid to the City by the applicant with submission of the application for an Outdoor Lighting Permit.

Sec. 50-405. Code Official review; issuance of Outdoor Lighting Permit.

The Code Official or his designee shall examine or cause to be examined all applications for Outdoor Lighting Permits within a reasonable period of time after filing. If the application or required documents do not meet the requirements of the City, the application shall be rejected, in writing, stating the reasons therefor. If the City requirements have been met, the City shall issue the applicable Permit as soon as practicable. The Permit will be valid for six months from the date of issuance.

Sec. 50-406. Revocation of Outdoor Lighting Permit.

The Code Official shall have the power to revoke any Outdoor Lighting Permit upon determination by the City of any material departure from compliance the plans and specifications submitted to the City with the application or of any false statements or representations as to material fact relating to the installation of the Outdoor Lighting.

Sec. 50-407. Conformance with applicable Codes.

All Outdoor Lighting must be installed in conformance with the provisions of this Code, including the National Electric Code, as adopted by the City, and other applicable provisions of Chapter 8 regarding the City's electrical and Building codes.

Sec. 50-408. Applicability; exemptions; nonconforming Luminaires (grandfathering).

(a) *Applicability.* Except as otherwise specified in this Section, all Outdoor Lighting installed after the effective date of this Division must comply with this Division, whether attached to Buildings or Structures, poles, the earth or any other location. Compliance is required regardless of whether an Outdoor Lighting Permit is required by this Division or not.

(b) *Repairs.* Repairs to existing Luminaires (including Preexisting Luminaires), provided such Repairs do not exceed 30% of total installed Luminaires. Repairs comprising more than 30% of total installed Luminaires require an Outdoor Lighting Permit as set out in Section 50-402.

(c) *Exemptions.* The following are not regulated by this Division:

- (1) Any City-owned and operated lighting, including lighting within public right-of-way for the principal purpose of illuminating streets, traffic control signals and devices, and lighting for public monuments and statuary.
- (2) Lighting solely for signs or self-illuminated signage.
- (3) Underwater lighting in swimming pools and other water features.
- (4) Decorative seasonal lighting from October 30th to February 1st, provided that individual lamps are less than 10 Watts and 70 Lumens.
- (5) Low Voltage Landscape Lighting provided that it is aimed away from adjacent properties.
- (6) Downward aimed lighting of the United States and State of Oklahoma flags with no more than two Luminaires per flag.
- (7) Gas flame lanterns produced directly or indirectly by the combustion of natural gas or other utility-type fossil fuels.
- (8) Outdoor Lighting used exclusively during public special events conducted by the City or for which the City has granted a Permit.
- (9) Residential party lights illuminated only for temporary social gatherings, including string lights and lanterns, provided that such lighting does not cause Light Trespass or Glare.
- (10) Lighting that is used by federal, state, county or local authorities and their authorized representatives under emergency conditions or as road hazard warnings.

(d) Preexisting Luminaires. Outdoor Lighting installed prior to the effective date of this Division must comply with the following.

- (1) New or changed use of property. Whenever there is a new use of a property (through a zoning or variance change) or the use on the property is changed, all Outlook Lighting on the property must be brought into compliance with this Division before the new or changed use commences.
- (2) Additions to Dwellings. If an Addition is made to a Dwelling that adds 30 percent or more of the square footage of the air-conditioned space then existing in the Dwelling and that property has Preexisting Luminaires, all of the Outdoor Lighting must be brought into compliance

with this Division for New Lighting before the City will issue a Certificate of Occupancy.

- (3) Major Additions to Multiple Family and Commercial properties. If a major addition occurs on a property in the Multiple-Family Residential Zoning District or a Commercial Zoning District, the Outdoor Lighting for the entire property must be brought into compliance with this Division for New Lighting. For purposes of this subsection, a major addition means an addition of 30% or more in terms of additional Dwelling units, gross floor area or parking spaces, either with a single addition or with cumulative additions after the effective date of this Division.
- (4) Addition, modification and replacement of Preexisting Luminaires. Once modifications or replacement of Luminaires on a property exceeds 30% of installed Preexisting Luminaires (through single or cumulative additions), all of the Outdoor Lighting must be brought into compliance with this Division for New Lighting.

(e) Resumption of use after abandonment. If a property with nonconforming Outdoor Lighting is abandoned or remains vacant for a period of 12 months or more, all Outdoor Lighting on the property must be brought into compliance with this Division for New Lighting before any further use of the property occurs or before the City will issue a Certificate of Occupancy.

Sec. 50-409. All Zoning Districts - general standards for Outdoor Lighting.

(a) Light Trespass. Lighting emanating from any Lot that unnecessarily illuminates any other Lot and substantially interferes with the use or enjoyment of such other Lot is prohibited. Lighting unnecessarily illuminates another Lot if it clearly exceeds the standards set forth in this Division, if the light shines directly into or toward a residence, or if the standards set forth in this Division could reasonably be achieved in a manner that would not substantially interfere with the use or enjoyment of neighboring properties. All Luminaires must be located, aimed or Shielded so as to minimize Light Trespass.

(b) Maximum vertical light levels at any point in plane of property lines. Light Trespass is measured by vertical readings in Footcandles at the brightest point on the property line. In order to minimize Light Trespass onto neighboring properties, the maximum light level at a property line may not exceed the following:

- (1) two-tenths (0.2) Footcandles for the Single-Family and Two-Family Residential Zoning Districts and for the Multiple-Family Residential Zoning District and the Commercial Zoning Districts bordering the Single-Family and Two-Family Residential Zoning Districts.

- (2) Properties within the Multiple-Family Residential Zoning Districts and the Commercial Zoning Districts must also reduce Light Trespass at the property line to a maximum of three-tenths (0.3) Footcandles; provided that such properties may have Light Trespass onto public rights-of-way at main entrances or exists to a level not to exceed five-tenths (0.5) Footcandle and to a level not to exceed four-tenths (0.4) Footcandle at other portions of the right-of-way.

(c) Glare. All Outdoor Lighting must be designed such that the (bulb) point Light Source is not directly visible from adjoining properties or the adjacent public rights-of-way. Luminaires must be placed so as not to cause Glare beyond the property boundary and must be Shielded such that Glare from the Light Source is not directly visible from normal viewing angles on any other residential property line.

(d) Light Sources must be concealed or Shielded. Light Sources must be concealed or Shielded to mask the surface of the bulb or light-emitting element from adjacent properties or adjoining rights-of-way. All lights must be directed downward.

(e) Lighting Controls required. Lighting Controls are required to automatically extinguish all Outdoor Lighting when sufficient daylight is available.

(f) Lighting style. The style of lights must be consistent with the style and character of architecture of the applicable Building.

(g) Lighting color. Outdoor Light Sources must produce accurate color rendition. Warmer color lights must be used, with a minimum of Correlated Color Temperature (CCT) rating of 2600 Kelvin and a maximum of 3200 Kelvin; and (2) a minimum Color Rendering Index (CRI) rating of 80, each as provided by the manufacturer's specifications.

(h) Architectural and landscaping lighting. Outdoor Lighting used to illuminate flags, statues, signs or other objects mounted on a pole, pedestal or platform, spotlighting or floodlighting used for architectural or landscape purposes, must use full cutoff or directionally Shielded lighting fixtures that are aimed and controlled so that the directed light is substantially confined to the object intended to be illuminated.

Sec. 50-410. Single-Family and Two-Family Residential Zoning Districts – additional standards for Outdoor Lighting.

In addition to the standards set out in Section 50-409, all Outdoor Lighting installed 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, must meet the following standards and requirements:

(a) Shielding and Lumen output. All outdoor Luminaires must be fully Shielded and may not exceed an allowed Lumen output of 1260 Lumens, with the following exceptions:

- (1) One partly Shielded or unshielded Luminaire at the main entry of a Dwelling, not to exceed an allowed Lumen output of 420 Lumens for such Luminaire.
- (2) Any other partly Shielded or unshielded Luminaires (excluding the main entry), not to exceed an allowed Lumen output of 315 Lumens.
- (3) Shielded directional flood lighting aimed so that direct Glare is not visible from the adjacent properties and not exceeding an allowed Lumen output of 1260 Lumens.
- (4) Open flame gas lights.
- (5) Lighting installed with a vacancy sensor, where the sensor extinguishes the lights no more than 15 minutes after the area is vacated.
- (6) Lighting exempt pursuant to Section 50-408.

(b) Height. Luminaires installed within 25 feet of any property line or public right-of-way may not be located at a Mounting Height greater than 20 feet. All other Luminaires may not be located at a Mounting Height great than 30 feet. Second floor balconies and outdoor stairways may be lit with downward-directed fully-Shielded Luminaires.

(c) Landscape lighting. In addition to the restrictions for Low Voltage Landscape Lighting, Uplighting is permitted only if the light distribution from the Luminaire is effectively contained by an overhanging architectural or landscaping element. Such elements may include awnings, dense shrubs or tree canopies, which can functionally reflect illumination back to the ground.

(d) Flood light restrictions. In addition to the restrictions set out above, flood lights must be focused on the task, fully Shielded, down directed, and screened from adjacent properties in a manner that prevents Light Trespass.

Sec. 50-411. Multiple-Family Residential Zoning District and the Church, Office, and Retail Zoning Districts – additional standards for the Outdoor Lighting.

In addition to the standards set out in Section 50-409, all Outdoor Lighting installed 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 must meet the following standards and requirements:

(a) Total Site Lumen limit. The total installed initial Luminaire Lumens of all Outdoor Lighting on a Building Site may not exceed a total site Lumen limit which is determined using either the Parking Space Method or the Hardscape Area Method, each described below. Only one method may be used per Permit application. For sites with

existing Outdoor Lighting, such existing lighting may be included in the calculation of total installed Lumens. The total installed initial Luminaire Lumens in calculated as the sum of the initial Luminaire Lumens for all Luminaires. The Parking Space method and the Hardscape Area Method are described as follows:

- (1) The Parking Space method may only be applied to properties with up to 10 parking spaces (including handicapped accessible spaces. The allowed total initial Luminaire Lumens per Building Site is 630 Lumens per parking space.
- (2) The Hardscape Area method may be used for any project. The allowed total initial Luminaire Lumens per Building Site is 2.5 Lumens per square foot of hardscape.

(b) *Parking Lot Illumination.* All parking lot lighting must have no light emitted above 90 degrees. Parking lots must be illuminated as unobtrusively as possible to meet the functional needs of safe circulation and protecting people and property. Outdoor Lighting used to illuminate parking spaces, driveways, and maneuvering areas must be designed, arranged, and Shielded so that the point Light Source is not visible from adjoining lots or streets.

(c) *Height.* Outdoor Lighting (except parking lot lighting) must be located at a Mounting Height that is 16 feet or less in height unless it is:

1. Building-mounted lighting fully Shielded, directed downward at a sign or Building façade; or
2. Lighting on above-grade decks or balconies that is fully Shielded.

(d) *Material and color.* Concrete or wood poles must be used for the support of freestanding Luminaires. Poles must be low reflectance, subtle, neutral or earth tone colors or original factory metal finish.

Sec. 50-412. Outdoor Lighting Plans – requirement and specifications.

When an Outdoor Lighting Permit is required pursuant to Section 50-402, the installation of New Lighting and the installation of Replacement Lighting requires submission of an Outdoor Lighting Plan with the Electrical Permit Application or with the Building Commission Certificate of Approval Application, as applicable. Outdoor Lighting Plans must be prepared by a certified electrical engineer, architect, landscape designer, landscape architect or lighting designer, and must meet the applicable requirements set out in this Division. Outdoor Lighting Plans must include the following information:

- (a) The address of the property and its Owner.

- (b) The name, address, and contact information of the party who prepared the Outdoor Lighting Plan.
- (c) North arrow and scale.
- (d) The location of existing property lines and dimensions of the tract, accurately drawn to scale.
- (e) Exact locations and outline of all rights-of-way.
- (f) The location of all existing and proposed Buildings, and parking areas, if any, including the exact number of parking spaces provided.
- (g) The location and size of any permanent Luminaires or structures including sidewalks, walls, fences, trash enclosures, existing lighting fixtures, signs, and benches, that are relevant to the Outdoor Lighting Plan.
- (h) The location, size, and type of all existing above-ground and underground public utilities with notations, where appropriate, as to any safety hazards to avoid during installation of Outdoor Lighting. Alternatively, a letter of no objection provided by the utility company may be required.
- (i) The proposed location, size, Mounting Height, type, spacing (on center), and quantity of all proposed Outdoor Lighting devices, Luminaires, lamps, supports, reflectors, and other devices. The description may include catalog cuts by manufacturers and drawings. The mounting height of all Luminaires must be included. The Light Source type, rated Lumens and Wattage of each Light Source must be included.
- (j) The type of compliant Luminaire (such as full-cutoff, partial cut-off, lantern, wall pack).
- (k) The Backlight, light, and Glare rating for each proposed Luminaire.
- (l) Calculations for site illumination resulting from the proposed lighting, measured in Footcandles, including minimum, maximum, and average Footcandles and uniformity ratios.
- (m) If Building walls are to be illuminated or if façade mounted Luminaires are to be used, dimensioned drawings to scale of all relevant Building elevations showing the Luminaires and the portions of the walls to be illuminated with calculated point-by-point light levels.
- (n) Photometric plan showing the angle of cut off or light emissions in Footcandles across the entire property and at the property lines. Luminaire data sheets. A waiver of the photometric plan requirement may be granted by the Code

Official upon request for certain small-scale, low-impact developments so long as the other submittal requirements of this Section are met.

- (o) A statement from the Owner or party who prepared the Outdoor Lighting Plan that the Outdoor Lighting depicted on the plan will comply with the requirements of this Division after installation.
- (p) Other information deemed necessary by the applicant to document compliance with this Division.

Sec. 50-413. Prohibited Outdoor Lighting.

The following types of Outdoor Lighting are prohibited:

- (1) Use of laser source lights, searchlights, flashing or rotating lights or any similar high intensity lights for outdoor advertising or entertainment, when projected above the horizontal.
- (2) Lights of high intensity, primary or fluorescent colors.
- (3) “Cobra head” type lighting fixtures having dished or “drop” lenses or refractors that house other than incandescent Light Sources.
- (4) Roof lights (Light Sources affixed to the top of a roof), except where required by the applicable Building Code.
- (5) Unshielded Light Sources, except as specifically allowed by this Division in the Single-Family and Two-Family Residential Zoning Districts.
- (6) Flood illumination of Buildings from the ground or on pole-mounted lights or by lights mounted on adjoining structures. Buildings with symbolic or historical significance, such as churches or other public Buildings, may request exemptions to this prohibition.
- (7) Lights that flash, move, revolve, blink, flicker, vary in intensity, change color or use intermittent electrical pulsation (unless such lighting is included within an exception listed in Section 50-408.
- (8) Mercury vapor and low-pressure sodium lighting.
- (9) Lighting that emulates or could be confused with warning, emergency or traffic signals.

Sec. 50-414. Enforcement of Outdoor Lighting 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 representative(s) 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 representative(s) are hereby granted the authority to issue immediate citations to persons violating any provision of this Division.

Sec. 50-415. Nuisance declared; violation.

Any Outdoor Lighting 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 pushed as provided in Section 1-17.

Section 2. Section 50-188 is hereby amended, with new language underlined, to wit:

Sec. 50-188. Building permits.

(c) *Procedures.* Application for a Building Permit shall be made with the Director of Public Works on forms provided by the City. The applicant must have first obtained a Certificate of Approval from the Building Commission for the proposed construction if required by Article V of this Chapter. Administrative review of the application shall begin upon submittal of the complete application and the required application fee. To be considered complete, the following supporting information must accompany the application.

- (1) *For single-family and two-family dwellings.*

- f. An Outdoor Lighting Plan as required by Division 9, Article II of this Chapter.

- (2) *For multifamily (three or more), commercial, and public buildings, and all public and private institutional development.*

- c. Two copies of a plot plan, drawn to scale, showing the following information on one or more sheets:

14. An Outdoor Lighting Plan as required by Division 9, Article II of this Chapter.

Section 3. Section 50-372 is hereby amended, with deleted language stricken through and 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:

(b) For construction of a new Main or Secondary Building, or construction of an Addition to an existing Main or Secondary Building:

- (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.~~ An Outdoor Lighting Plan as required by Division 9 of Article II of this Chapter.

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