

1. Agenda

Documents:

[2022-11-15 BUILDING COMMISSION - PUBLIC AGENDA-1761.PDF](#)

2. Meeting Materials

Documents:

[2022-11-15 BUILDING COMMISSION - FULL AGENDA-1761.PDF](#)

AGENDA

Regular Meeting of the
Nichols Hills Building Commission
Tuesday, November 15, 2022 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. October 18, 2022 Minutes
 - b. November 4, 2022 Minutes
5. Items for Separate Vote

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

- a. Draft ordinance regarding the requirements for the architectural renderings and facade changes.
- b. "No-build vertical envelope" requirements for residential zoning districts.
- c. Draft ordinance regarding electric vehicle charging stations and electric vehicle parking spaces.

- d. Draft ordinance regarding landscaping requirements.
- e. Discussion of possible zoning amendments that would encourage redevelopment along the 1800 Block of Westminster Place.

6. Public Hearings

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

- a. Certificate of Approval Application - 1417 Canterbury Place, Nichols Hills, OK.

7. Adjournment

I certify that the forgoing was filed in the Office of the City Clerk at 1:00 PM on the 11th day of November, 2022 and posted in prominent view on the window at City Hall, 6407 Avondale Drive, at 1:30 PM on the 11th day of November, 2022; posted to the City of Nichols Hills website at <http://www.nicholshills.net> at 5:00 PM on the 11th of November, 2022; and transmitted by email at 5:00 PM on the 11th day of November, 2022 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, October 18, 2022 at 4:00 PM
City Hall, 6407 Avondale Drive
Nichols Hills, OK 73116

**Original agenda filed in the Office of the City Clerk at 4:57 PM on
the 13th day of October, 2022.**

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		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. September 20, 2022 Minutes

MOTION: Lippert moved to approve the September 20, 2022 minutes as presented. Caston seconded the motion.

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

5. Public Hearings

Attachment: October 18 2022 Minutes (6157 : 3 October 18, 2022 Minutes)

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

- a. Certificate of Approval Application - 2403 NW Grand Boulevard, Nichols Hills, OK.

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

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 the application subject to updating the landscaping plan to show appropriate number of points for the front and side-yards, and correction on the property calculation sheet for the allowable floor area. Oakley seconded the motion.

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

- b. Certificate of Approval Application - 7212 Waverly Avenue, Nichols Hills, OK.

Mr. Patrick Arney, Arney Brothers Remodeling, presented the application to the Building Commission.

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

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

MOTION: Raines moved to approve the application as submitted. Oakley seconded the motion.

Attachment: October 18 2022 Minutes (6157 : 3 October 18, 2022 Minutes)

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

6. Items for Separate Vote

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

- a. Schedule of Regular Meetings of the Nichols Hills Building Commission 2023.

MOTION: Lippert moved to approve agenda item 6a as presented. Oakley seconded the motion.

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

- b. "No-build vertical envelope" requirements for residential zoning districts.

Chairman Larry Herzel discussed with Building Commission members his examples of calculations for the no-build vertical envelope. Chairman Herzel will continue to work on this to present at a future meeting.

- c. Mandatory pre-meeting conference for Building Commission applications.

Building Commission members and staff discussed the need to require mandatory pre-meeting conferences for applicants. The Building Commission directed staff to strike from the ordinance the pre-meeting conference language and state in the guidelines and checklists that pre-meetings are required.

- d. Letters of no objection from neighbors included in Building Commission applications.

Building Commission members discussed the acceptance of no objection letters from neighbors of applications. No action was taken.

e. Review of International Building Codes and related Building Codes.

Chairman Larry Herzel reported that Commissioners Herzel, Lippert, and Caston will review the International Building Codes and related Building Codes. A special meeting will be scheduled in the future to begin the review of the codes.

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, Lippert, Raines, Caston, 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

Attachment: October 18 2022 Minutes (6157 : 3 October 18, 2022 Minutes)

MINUTES

Special Meeting of the
Nichols Hills Building Commission
Friday, November 4, 2022 at 9:00 AM
City Hall, 6407 Avondale Drive
Nichols Hills, OK 73116

**Original agenda filed in the Office of the City Clerk at 4:31 PM on
the 1st day of November, 2022.**

1. Call to Order
2. Roll Call

Attendee Name	Title	Status	Arrived
Larry Herzel	Chairman	Present	
John Lippert		Present	
Tori Raines		Absent	
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. Items for Separate Vote
 - a. Review of International Building Codes and related Building Codes.
 - i. International Building Code
 - ii. International Residential Code
 - iii. International Existing Building Code
 - iv. International Property Maintenance Code
 - v. International Mechanical Code
 - vi. National Electric Code
 - vii. International Plumbing Code
 - viii. International Fire Code

ix. International Fuel Gas Code

x. NFPA 101 Life Safety Code

Building Commissioners began their review of the International Building Codes and related Building Codes. The Commissioners agreed to keep the revisions that were adopted with the 2015 edition of the International Residential Code in the 2018 edition.

The changes discussed to the 2018 edition of the International Residential Code were: 1) Increase the sewer depth from 12" to 18". 2) In Chapter 5, increase the vapor barrier from 5ml to 10ml. 3) In Section 8-29 Residential high-wind construction, require hurricane clips to resist uplift forces of 500 pounds. 4) Chapter 11, require a Certificate of Energy Efficiency posted at the home to show the ratings of the windows, doors, and insulation used for all new construction and any additions of 30% or more of the existing home.

Mrs. Carla Sharpe, attorney for the City, will draft an ordinance with the changes and present at the next meeting for the Commissioners to review.

Commissioners discussed the International Fire Code with Fire Chief Boydston. Chief Boydston will review the 2018 NFPA 101 Life Safety Code and give a recommendation on the adoption of this code at the next meeting.

There was no action taken on items 4a i, 4a iii - 4a vii and 4a ix.

The Commissioners requested that the next meeting be scheduled for December 2, 2022, at 9:00am.

5. Adjournment

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

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

Chairman
Building Commission
City of Nichols Hills, Oklahoma

City Manager
Building Commission
City of Nichols Hills, Oklahoma

City Clerk
City of Nichols Hills, Oklahoma

Published in _____ on _____, 2022

ORDINANCE NO. _____

AN ORDINANCE AMENDING ARTICLE V OF CHAPTER 50 OF THE NICHOLS HILLS CITY CODE 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. Section 50-341 is hereby amended, with deleted language stricken through and new language underlined, to wit:

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

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

(ed) Certificates of Approval are not required to apply for Building Permits for fences, swimming pools, or Accessory Buildings or 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 Structures that are part of a proposed project that requires a Certificate of Approval.

(~~de~~) 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.

(~~ef~~) 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.

Section 2. Section 50-372 is hereby amended, with new language underlined, to wit:

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

(b) For construction of a new Main or Secondary Building, or construction of an Addition to an existing Main or Secondary Building for which a Certificate of Approval is required:

(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.

(f) Renderings for Additions. Renderings are not required for rear yard Additions that are not visible from the street. For construction of an Addition to an existing Main Building or Secondary Building, renderings may be required for front and side yard Additions and for rear yard Additions that are visible from the Street. In order to make that determination, the Chief Building Inspector 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 Chief Building Inspector will consider such recommendation in making a determination and instruct the applicant accordingly.

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 _____, 2022.

APPROVED by the Mayor of the City of Nichols Hills, Oklahoma, on the _____ day of _____, 2022.

ATTEST:

Mayor

City Clerk

Reviewed as to Form and Legality:

City Attorney

Published in _____ on _____, 2022

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 50 AND CHAPTER 44 OF THE NICHOLS HILLS CITY CODE REGARDING ELECTRIC VEHICLE CHARGING STATIONS AND ELECTRIC VEHICLE PARKING SPACES; 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 11, with new language underlined, to wit:

DIVISION 11. ELECTRIC VEHICLE CHARGING STATION AND ELECTRIC VEHICLE PARKING SPACE REQUIREMENTS

Sec. 50-141. Definitions.

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

Charging means that an Electric Vehicle is parked at an Electric Vehicle Charging Station and is connected to the battery charging station equipment and is actively charging.

Electric Vehicle means any motor vehicle registered to operate on public roadways that operates either partially or exclusively on electric energy. Electric Vehicles include battery-powered electric vehicles, plug-in hybrid electric vehicles, electric motorcycles, and electric fuel cell vehicles.

Electric Vehicle Charging Level means the electrical force, or voltage, at which an Electric Vehicle's battery is recharged. Levels 1, 2, 3 and 4 Electric Vehicle charging levels include the following specifications: (1) Level 1 is slow charging, providing voltage ranging from 0 to 120 volts; (2) Level 2 is medium charging, providing voltage greater than 120 volts and up to 240 volts; and (3) Level 3 is fast or rapid charging, providing voltage greater than 240 volts, also referred to as Direct Current Fast Charging (DCFC).

Electric Vehicle Charging Station means a public or private parking space that is served by battery charging equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an Electric Vehicle.

Electric Vehicle Parking Space means any marked parking space in the Multiple-Family and Commercial Zoning Districts that identifies the use to be exclusively for an Electric Vehicle and that provides an Electric Vehicle Charging Station.

EV-Ready Parking Space means a designated parking space for future dedicated Electric Vehicle Charging Station(s).

Sec. 50-142. Permits required to install Electric Vehicle Charging Stations.

Electric Vehicle Charging Stations may not be installed in any Zoning District until a permit therefor has been issued by the City Manager or his designee in accordance with this Division.

Sec. 50-143. Application for permit to install Electric Vehicle Charging Station.

Persons wishing to install an Electric Vehicle Charging Station shall file a written application for a 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:

- (a) For installation of all Electric Vehicle Charging Stations:
 - (1) A site plan showing the project address, scope of work, property lines, location of the proposed Electric Vehicle Charging Station, and location of electrical meter panel.
 - (2) construction documents showing the size (height, width, and depth) of the proposed Electric Vehicle Charging Station with an electrical plan showing the location of new and existing meter or sub meter, charge controller, wire sizing, and routing.
 - (3) Information stating the existing panel rating (if any) and the proposed charging load.
- (b) For installation of Electric Vehicle Charging Stations in the Single-Family and Two-Family Residential Zoning Districts:
 - (1) All of the information required by subsection (a) of this Section.
 - (2) A site plan as required by subsection (a) of this Section that also indicates the footprint of the subject residence with the location of garage and proposed parking spot for use with the Electric Vehicle Charging Station identified.
 - (3) A screening plan showing how the Electric Vehicle Charging Station will be screened from view if proposed for placement outside.

(c) For installation of Electric Vehicle Charging Stations in the Multiple-Family Residential Zoning Districts and Commercial Zoning Districts:

- (1) All of the information required by subsection (a) of this Section.
- (2) A site plan as required by subsection (a) of this Section that also indicates the proposed location of Electric Vehicle Parking Space(s) and proposed Electric Vehicle Charging Station(s) and location of accessible parking spots.

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 Electric Vehicle Charging Station may not be commenced until an Electric Vehicle Charging Station Permit has been issued by the City.

Sec. 50-144. Application fee for Electric Vehicle Charging Station 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 Electric Vehicle Charging Station Permit.

Sec. 850-145. City Manager review; issuance of Electric Vehicle Charging Station Permit.

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

Sec. 50-146. Revocation of Electric Vehicle Charging Station Permit.

The Code Official shall have the power to revoke any Electric Vehicle Charging Station 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 Electric Vehicle Charging Station.

Sec. 50-147. Construction standards for Electric Vehicle Charging Stations in all Zoning Districts.

Electric Vehicle Charging Stations installed on any property within the City must comply with the installation standards and requirements in this Section regardless of Zoning District classification, as follows.

(a) Installation must comply with applicable laws and standards. All Electric Vehicle Charging Stations must comply with and be installed in accordance with applicable law, including the National Electric Code, the International Codes as adopted by the City, and the then-current Standard for Installing and Maintaining Electric Vehicle Supply Equipment as published by the

National Electrical Contractors Association. Further, each Electric Vehicle Charging Station and all of its component parts must meet applicable health and safety standards imposed by the State and the City. The City recognizes that new technologies may be developed in the future related to Electric Vehicles. It is the City's intent that installation of all Electric Vehicle Charging Stations in the City and the manufacture of such stations installed in the City comply with the highest and best installation standards then in effect as stated in applicable law and published standards.

(b) *Signage.* All Electric Vehicle Charging Stations must be readily identifiable with appropriate safety warning signage as required by applicable law and as approved by the Code Official, including a statement of the voltage and amperage levels;

(c) *Waterproofing of electric lines.* All electric lines associated with an Electric Charging Stations must be waterproofed as required by the Code Official.

(d) *Depth of electric lines.* All electric lines associated with an Electric Charging Stations must be buried to a sufficient depth to protect them from interference with surface digging or landscape maintenance.

(e) *Identification of circuit breakers.* The circuit breakers or circuit breaker spaces for all Electric Vehicle Parking Spaces must be clearly identified in the panelboard director and the termination point for the space.

(f) *Service source capacity.* The source for service to the Electric Vehicle Charging Stations must provide an adequate capacity for the load served. For Electric Vehicle Charging Level 3 and greater, the applicant must provide proof satisfactory to the Code Official that the capacity is adequate for the proposed service, which may include a letter from the electric company that the proposed Electric Vehicle Charging Station will not negatively impact the electric supply to neighboring properties.

(g) *Conditions on issuance of permits.* The Code Official is authorized to impose conditions on issuance of Electric Vehicle Charging Station Permits to address health and safety concerns.

(h) *Inspection.* All construction or work for an Electric Vehicle Charging Station for which a permit is required shall be subject to inspection by the Code Official. Such work must remain accessible and exposed for inspection purposes until approved by the Code Official.

Sec. 50-148. Additional construction standards and requirements for Electric Vehicle Charging Stations in the Single-Family and Two-Family Residential Zoning Districts.

In addition to meeting the applicable construction standards and requirements set out in Section 50-147, all Electric Vehicle Charging Stations 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) *Private use; permitted Charging Levels.* Electric Vehicle Charging Stations must be designed so as to serve only the occupants of the dwelling and only at the Level 1 or Level 2 Charging Levels. Electric Vehicle Charging Stations at the Level 3 Charging Level or greater are prohibited.

(b) *Screening requirements.* Electric Vehicle Charging Stations located outside a garage must be screened from view from the public street and from the view of abutting property owners. Such screening must consist of a combination of stone or masonry walls and evergreen landscaping or other methods approved by the Code Official.

While not required, it is recommended that Electric Vehicle Charging Stations located inside a garage be appropriately insulated. Location in air-conditioned space is preferable for the life of the equipment.

Sec. 50-149. Additional construction standards and requirements for Electric Vehicle Charging Stations and Electric Vehicle Parking Spaces in the Multiple-Family Residential Zoning District and the Commercial Zoning Districts.

In addition to meeting the applicable construction standards and requirements set out in Section 50-147, all Electric Vehicle Charging Stations and the associated Electric Vehicle Parking Spaces 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) *Charging Level.* Electric Vehicle Parking Spaces must, at a minimum, be equipped with an Electric Vehicle Charging Station rated at Electric Vehicle Charging Level 2.

(b) *No impediments or safety hazards.* Electric Vehicle Parking Spaces must be designed and located so as not to impede pedestrian and bicycle movement and so as not to create safety hazards on sidewalks. Equipment mounted on pedestals, lighting posts, bollards or other devices must be designed and located as to not impede pedestrian travel or create trip hazards on sidewalks.

(c) *Signage.* Signage must be installed for each Electric Vehicle Charging Station stating: (1) any time of use restrictions and fees for use payable to the property owner; and (2) that the parking space is reserved for parking and charging of Electric Vehicles.

(d) *Accessibility – ADA compliance.* Electric Vehicle Parking Spaces must be designed and located so as not to interfere with accessibility. A minimum of one Electric Vehicle Parking Space must be located adjacent to a required accessible parking space such that the Electric Vehicle Charging Station can be shared between an accessible parking space and the Electric Vehicle Parking Space. A minimum of a five-foot wide accessway must be provided by the accessible Electric Vehicle Parking Space if the accessway is not already provided as part of the planned accessible parking space.

(e) *Equipment standards and protection.* Battery charging station outlets and connector devices may be no less than 36 inches and no higher than 48 inches from the surface where

mounted. Adequate battery charging station protection, such as concrete-filled steel bollards, shall be used. Curbing may be used in lieu of bollards, if the charging station is setback a minimum of 24 inches from the face of the curb.

(f) Size. Electric Vehicle Parking Spaces must be standard size parking stalls.

Sec. 50-150. Required maintenance of Electric Vehicle Charging Stations.

Electric Vehicle Charging Stations must be maintained in good condition in all respects, including the functioning of the equipment, by the property owner. Removal of any required Electric Vehicle Charging Stations is prohibited. A phone number or other contact information must be provided on the equipment for reporting when the equipment is not functioning or other problems are encountered.

Sec. 50-151. Requirements for Electric Vehicle-readiness for new development in the Multiple-Family Residential Zoning District and the Commercial Zoning Districts.

All new construction 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 that includes new parking associated with the construction must provide EV-Ready Parking Spaces in a number to be determined by the Director of Public Works but to be no less than one Electric Vehicle Parking Spaces for every 30 required off-street parking spaces. Such spaces will be counted toward meeting the overall parking requirement for the project.

Secs. 50-152—50-160. Reserved.

Section 2. Chapter 44, *Traffic and Motor Vehicles*, Article IV, *Stopping, Standing and Parking*, of the Nichols Hills City Code is hereby amended by the addition of Division 3, with new language underlined, to wit:

DIVISION 3. ELECTRIC VEHICLE PARKING SPACES

Sec. 44-195. Definitions.

The terms Charging, Electric Vehicle and Electric Vehicle Parking Spaces used in this Division are defined in Section 50-141.

Sec. 44-196. Use of Electric Vehicle Parking Spaces in the Multiple-Family Residential Zoning District and the Commercial Zoning Districts.

When a sign provides notice that a parking space is a designated Electric Vehicle Parking Space for an Electric Vehicle Charging Station in the R-3 Multiple-Family Residential District, the U-4 Church District, the C-1 Office District, or the C-2 Retail Business District, parking any nonelectric vehicle in such Electric Vehicle Parking Space and parking an Electric Vehicle in such

space that is not electrically charging are hereby declared to be public nuisances, subject to abatement by the City as such, including removal and impoundment of the vehicle.

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 _____, 2022.

APPROVED by the Mayor of the City of Nichols Hills, Oklahoma, on the _____ day of _____, 2022.

ATTEST:

Mayor

City Clerk

Reviewed as to Form and Legality:

City Attorney

See City Clerk's office.