

1. Agenda

Documents:

[2022-12-20 BUILDING COMMISSION - PUBLIC AGENDA-1771.PDF](#)

2. Meeting Materials

Documents:

[2022-12-20 BUILDING COMMISSION - FULL AGENDA-1771.PDF](#)

AGENDA

Regular Meeting of the
Nichols Hills Building Commission
Tuesday, December 20, 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. November 15, 2022 Minutes
- b. December 2, 2022 Minutes

5. Public Hearings

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

- a. Certificate of Approval Application - 1711 Camden Way, Nichols Hills, OK.

6. Items for Separate Vote

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

- a. An Ordinance deleting Section 50-133 of the Nichols Hills City Code and replacing it with a new division of the code regarding landscaping.
- b. An Ordinance amending Chapter 50 of the Nichols Hills City Code regarding outdoor lighting.
- c. An Ordinance amending Section 50 of the Nichols Hills City Code regarding the No-Build vertical envelopes for the E-1 Estate District, the E-2 Urban Estate District, the R-1-75 Single-Family Residential District, and the R-1-60 Single-Family Residential District.

7. Adjournment

I certify that the forgoing was filed in the Office of the City Clerk at 3:41 PM on the 16th day of December, 2022 and posted in prominent view on the window at City Hall, 6407 Avondale Drive, at 3:50 PM on the 16th day of December, 2022; posted to the City of Nichols Hills website at <http://www.nicholshills.net> at 5:00 PM on the 16th of December, 2022; and transmitted by email at 5:00 PM on the 16th day of December, 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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Nichols Hills Building Commission
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City Clerk
City of Nichols Hills, Oklahoma

MINUTES

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

**Original agenda filed in the Office of the City Clerk at 1:00 PM on
the 11th day of November, 2022.**

1. Call to Order
2. Roll Call

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

4. Minutes

- a. October 18, 2022 Minutes

MOTION: Oakley moved to approve the October 18, 2022 minutes as presented. Raines seconded the motion.

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

- b. November 4, 2022 Minutes

MOTION: Herzel moved to approve the November 4, 2022 minutes as presented. Raines seconded the motion.

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

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.

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 Sec. 50-341 item (c) to show street-facing side(s) and Sec.50-372 item (f) add visible from the Street or public way. Oakley seconded the motion.

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

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

Mr. Curtis Wilson spoke to the Building Commission members of his concerns of the proposed requirements for the no-build vertical envelope. Mr. Wilson stated that the requirements will work for the new build homes but not for the existing homes.

Building Commission members directed staff to draft an ordinance for the no-build vertical envelope and present at the next meeting.

- c. Draft ordinance regarding electric vehicle charging stations and electric vehicle parking spaces.

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

MOTION: Oakley moved to recommend approval to the Planning Commission with the amendment of the removal of level 4 charging levels in the definition of Electric Vehicle Charging Level. Raines seconded the motion.

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

- d. Draft ordinance regarding landscaping requirements.

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. Oakley seconded the motion.

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

- e. Discussion of possible zoning amendments that would encourage redevelopment along the 1800 Bock of Westminster Place.

City Manager Shane Pate reported to the Building Commission members that staff recommends scheduling a special meeting in the future and invite builders, architects, and people that come before the Commission to discuss what would incentivize them to buy and build on the lots 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.

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, Chairman Herzel opened the public hearing.

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

MOTION: Oakley moved to approve agenda item 6a subject to: 1) Providing the calculation of the centroid to establish the maximum height of the home. 2) Clarification of the trees on the landscape plan. 3) Showing the side-yard setback calculation. 4) Using obscure glass in the three second floor windows on the west side of the home. Raines seconded the motion.

RESULT: APPROVED [UNANIMOUS]

MOVER:	Jeff Oakley
SECONDER:	Tori Raines
AYES:	Herzel, Raines, Oakley
ABSENT:	Lippert, Caston

7. Adjournment

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

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

Chairman
Building Commission
City of Nichols Hills, Oklahoma

City Manager
Building Commission
City of Nichols Hills, Oklahoma

City Clerk
City of Nichols Hills, Oklahoma

MINUTES

Special Meeting of the
Nichols Hills Building Commission
Friday, December 2, 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 11:04 AM
on the 29th 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		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. Items for Separate Vote
 - a. Review of International Building Codes and related Building Codes.
 - i. International Building Code

MOTION: Caston moved to recommend approval of the 2018 International Building Code. Lippert seconded the motion.

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

ii. International Residential Code

MOTION: Caston moved to recommend approval of the 2018 International Residential Code as presented. Lippert seconded the motion.

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

iii. International Existing Building Code

MOTION: Caston moved to recommend approval of the 2018 International Existing Building Code as presented. Lippert seconded the motion.

RESULT: **CONTINUED TO THE NEXT REGULAR**
[UNANIMOUS]
MOVER: Rusty Caston
SECONDER: John Lippert
AYES: Herzel, Lippert, Caston
ABSENT: Raines, Oakley

iv. International Property Maintenance Code

MOTION: Lippert moved to recommend approval of the 2012 International Property Maintenance Code that is currently being used. Caston seconded the motion.

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

v. International Mechanical Code

MOTION: Lippert moved to recommend approval of the 2018 International Mechanical Code. Caston seconded the motion.

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

vi. National Electrical Code

MOTION: Caston moved to recommend approval of the 2020 National Electrical Code. Lippert seconded the motion.

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

vii. International Plumbing Code

MOTION: Caston moved to recommend approval of the 2018 International Plumbing Code with the modification of Section 903.1 to show open vent pipes that extend through a roof shall not be less than 10 inches above the roof. Lippert seconded the motion.

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

viii. International Fire Code

MOTION: Caston moved to recommend approval of the 2018 International Fire Code with the modification of Section 1103.5.3 for buildings in Group I-2, to show the automatic sprinkler system shall be installed by July 1, 2027. Lippert seconded the motion.

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

ix. International Fuel Gas Code

MOTION: Caston moved to recommend approval of the 2018 International Fuel Gas Code. Lippert seconded the motion.

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

x. NFPA 101 Life Safety Code

MOTION: Caston moved to delete the NFPA 101 Life Safety Code provision from the code. Lippert seconded the motion.

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

- b. Draft ordinance regarding International Residential Code.
No action taken.

5. Adjournment

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

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

RESULT:	APPROVED [UNANIMOUS]
MOVER:	John Lippert
SECONDER:	Larry Herzel, Chairman
AYES:	Herzel, Lippert, Caston
ABSENT:	Raines, 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 _____, 2022

ORDINANCE NO. _____

AN ORDINANCE DELETING SECTION 50-133 OF THE NICHOLS HILLS CITY CODE AND REPLACING IT WITH A NEW DIVISION OF THE CODE REGARDING LANDSCAPING; 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 50-133 of the Nichols Hills City Code is deleted in its entirety and replaced with the following, with new language underlined, to wit:

Chapter 50 – Zoning

Article II, *District Regulations*

Division 8, *Landscaping and Screening Regulations*

Sec. 50-300. Definitions.

Caliper means diameter of a Tree trunk. The term “Caliper” is used for Trees less than 12 inches in diameter. For Trees less than four inches in diameter, it is measured six inches from the ground. For Trees between four inches and 12 inches in diameter, it is measured 12 inches from the ground.

Developed Area means the area of a Lot that is disturbed for the purpose of developing Structures, parking facilities, loading or storage areas, paved access to off-street parking or loading areas or other areas paved with an all-weather material, or Landscaped Areas.

Developer means the legal or beneficial owner of a lot or parcel or any land proposed for development or inclusion in a development.

Evergreen means a plant with foliage that persists and remains green year-round.

Groundcover means an Evergreen or deciduous planting 24 inches or less in height.

Irrigation System means a permanent underground piping and sprinkler head system designed using industry standard methods to provide uniform irrigation coverage over a Landscaped Area.

Landscape means the part of a Building's grounds consisting of structures, including patios, retaining walls, and walkways.

Landscape Plan means the preparation of graphic and written criteria, specifications, and detailed plans to arrange and modify the effects of natural and manmade features such as plantings, ground and water forms, circulation, walks, structures, and other features to comply with the provisions of Division XIII.

Landscaped Area means any area containing Trees, Shrubs, or Groundcover that are intended to meet the requirements of these regulations.

Mulch means an organic material such as seed hulls, pine needles or Tree bark used to control weed growth, reduce soil erosion, and reduce water loss.

Planting Plan means the preparation of graphic and written criteria of plant placement, plant specification of type, size and spacing, and other features to comply with the provisions of this Division for certain driveway and hardscape changes as provided for in Section 50-311 and for certain Accessory Buildings, Accessory Structures, and Accessory Uses as provided for in Section 50-312. The Planting Plan may be included in a site plan or other construction document.

Privacy Landscaping means Evergreen landscaping that is at least 12 feet in height at the time of planting and sufficiently spaced to provide effective privacy or such other landscaping that sufficiently addresses privacy concerns as determined by the Building Commission or the Code Official, as applicable.

Shrub means a living self-supporting woody deciduous or Evergreen species no less than eight inches in height, and no greater than 15 feet in height, that is ornamental and is full and attractive throughout the year.

Sight Triangle means the area of clear visibility required on a corner to allow for the safe operation of vehicles, pedestrians, and cyclists in the proximity of intersecting streets, driveways, alleys, sidewalks, and bicycle paths. For purposes of determining the required Site Triangle, all distances are to be measured using the curb or if none, along the pavement line. Sight Triangles are calculated by drawing a line along the curb or pavement edge to a point where said line intersects with a similar line on the intersecting street or drive; measuring from that point the required distance for the minimum Sight Triangle; and connecting the two lines at such point to create the base of the triangle.

Significant Tree means any existing Tree with a Caliper of six inches or greater, and in good health. Trees that are materially damaged or diseased will not be deemed to be Significant Trees.

Tree means a living self-supporting woody or Evergreen plant that normally grows to a minimum height of 15 feet, and which has one or several self-supporting stems or trunks and numerous branches.

Sec. 50-301. Purpose of the Landscaping and Screening Regulations.

The purpose of this Division is to establish definitions for landscaping regulations, establish general requirements applicable to all properties in the City, establish specific standards for one- and two-family residential properties, and establish specific standards for all other residential and nonresidential uses in the City.

The City recognizes the values of landscaping in achieving the following goals:

1. Promote the enhancement of the City's urban forest;
2. Promote the reestablishment of Vegetation in urban areas for health, ecological, and aesthetic benefits;
3. Provide new planting in concert with natural vegetation and careful grading;
4. Encourage the preservation of existing Trees, and especially Significant Trees;
5. Establish and enhance a pleasant visual character and structure to the built environment, which is sensitive to safety and aesthetics issues;
6. Promote compatibility between land uses by reducing the visual, noise, and lighting impacts of specific development on users of the site and abutting properties;
7. Unify development, enhance and define public and private places;
8. Provide an overall planting scheme that will:
 - a. reduce soil erosion and the volume and rate of discharge of stormwater runoff;
 - b. aid in energy conservation by shading and sheltering structures from energy losses caused by weather and wind;
 - c. mitigate the loss of natural resources;
 - d. provide visual screens and buffers that mitigate the impact of conflicting land uses to preserve the appearance, character, and value of existing neighborhoods;
 - e. provide shade, comfort, and seasonal color; and
 - f. reduce glare, noise, and heat.

It is further recognized that good Landscaping increases property values, attracts potential residents and businesses to the City, and creates a safer, more attractive, and more pleasant living and working environment for all residents and visitors of the City.

These regulations are intended as minimum standards for Landscaping treatment. Owners and Developers are encouraged to exceed this standard in seeking more creative solutions, both for the enhanced value of their land and for the collective health and enjoyment of all citizens of the City.

Sec. 50-302. General landscaping and restrictions for all Zoning Districts.

All properties within the City must comply with the requirements in this Section regardless of Zoning District classification.

(a) *Landscaping is required in all front yards.* All front yards must be landscaped, except walkways, parking, pertinent equipment, drainage utilities, and other allowed hardscape. Such landscaping must consist of a combination of living vegetation, such as Trees, Shrubs, grasses or Groundcover materials, planted and maintained or preserved as existing natural vegetation areas.

(b) *Landscape is required in all visible side yards.* Side yards that are visible from a street or any public way must be landscaped. Not only do they have a visual responsibility to the street, but they are the place where impacts on neighbors must be managed. When designing projects, consideration should be given to neighboring residences and their use of outdoor spaces. Landscaping should be placed to help create a sense of separation and privacy. Equal care should be given to consideration of sunlight and views. Placement of landscaping elements should not substantially disrupt existing patterns.

(c) *Landscape of the public right-of-way is required.* Property owners in all Zoning Districts are responsible for landscaping the area within the street right-of-way between the curb-line and the property line. The type and location of vegetation must not interfere with utilities and the safe and efficient flow of street traffic. No vegetation, except Groundcover and turf, may be planted within three feet of a fire hydrant or above-ground traffic control box.

(d) *Non-paved areas and non-built Developed Areas must be covered with vegetation.* Lawn-quality sod, Evergreen or deciduous Groundcovers, beds with plantings or Mulch must cover all non-paved and non-built Developed Areas.

(e) *Hardscape restrictions.* Hardscape installed in the Landscape must meet the restrictions set out in Section 50-304.

(f) *City Tree List.* The City Tree List of suggested tree species and discouraged tree species for planting in the City is set out in Section 48-2 of this Code.

(g) *Prohibited Trees.* Planting certain Trees is prohibited as set out in Section 48-3 of this Code.

(h) *Artificial turf and synthetic plants.* Artificial turf and all forms of synthetic fibers meant to look like natural grass and all synthetic plants are prohibited in the front yards of Dwellings in the Residential Zoning Districts. Artificial grass and all forms of synthetic plants are prohibited in all landscapes in the Church District, the Office District, and the Retail Business District. This restriction does not apply to manholes which may be covered with artificial turf or other synthetic fibers meant to look like natural grass.

(i) *Minimum Sight Triangles may not be reduced.* Nothing in this Division permits reduction of required Minimum Sight Triangles. The minimum Sight Triangles are 25 feet for street intersections and 20 feet for all driveways and alley access points. Plantings within a required Site Triangle may not exceed a height of 24 inches.

(j) *Distances from curbs and sidewalks; street corners and fire hydrants.* Trees must be planted no closer than the permitted distances to curbs, sidewalks, street corners, and fire hydrants, as set out in Section 48-39 and Section 48-40 of this Code.

(k) *Significant Trees should be preserved and protected.* The City encourages the preservation of Significant Trees. Property owners should take all steps necessary to reasonably preserve and protect Significant Trees.

(l) *Chapter 48 Standards for Landscape Service.* Landscape Servicemen must perform work in compliance with the Standards for Landscape Service set out in Chapter 48 which include standards for Tree and Vegetation care. All Owners are further encouraged to utilize such standards when caring for their Trees and Vegetation.

(m) *Privacy Landscaping.* In addition to the requirements for Privacy Landscaping that may be required by the Building Commission in its review process, the Code Official is authorized to require Privacy Landscaping to address privacy concerns raised by adjoining property owners.

(n) *Required sod after Building removal or demolition.* Lawn-quality sod must be installed, watered, and maintained after removal or demolition of a Building in compliance with Section 8-380 or Section 50-132, as applicable.

Sec. 50-303. Screening requirements for outdoor storage and service areas.

Outdoor storage and service areas that are visible from a street or any public way must be screened with landscaping or fencing. Screening must consist of one or both of the following methods:

- (a) *Evergreen Shrubs that will reach a mature height of at least five feet and spaced in a manner to achieve a consistent visual screen.*

- (b) An opaque wall or fence.

Sec. 50-304. Hardscape restrictions.

(a) Front yard hardscape. No hardscape is permitted in the front yard of a Dwelling other than a maximum of two entrance drives and if applicable, a City-provided sidewalk. A circular drive may not encroach on the right-of-way except at the two street access points.

(b) Rear yard hardscape. No more than ____ % of the rear yard may be covered with hardscape. [TBD]

(c) Hardscape in the rights-of-way. The public right-of-way may not be hardscape surfaced, other than a permitted driveway or sidewalk; and these areas may not be used for parking, including inset parking (meaning a vehicle parking area created by removal of a curb or extending the width of the street surface along the frontage of a property to permit parking or standing of vehicles, including parallel, perpendicular and angled configurations) or display in any Zoning District.

Sec. 50-305. Landscape maintenance requirements for all Zoning Districts.

All properties within the City must comply with the requirements in this Section regardless of Zoning District classification. In addition to the applicable requirements regarding property maintenance set out in Chapter 8, it shall be the responsibility of property owner(s) to:

(a) Maintain Trees and Vegetation as set out in Chapter 48 of this Code, including keeping overhead lines, utility lines and traffic ways clear and keeping Trees and Vegetation from overhanging Streets and interfering with light and visibility as set out in Section 48-35 and Section 48-36.

(b) Cause all Landscape Service to be performed by Landscape Servicemen in compliance with the Standards for Landscape Service and other requirements set out in Chapter 48 of this Code.

(c) Remove all dead, diseased or dangerous Trees or Shrubs within 30 days and remove all storm-destroyed Trees within 30 days of the storm occurrence in accordance with Section 48-37.

(d) Treat all diseased or insect infested vegetation, as required by Section 48-38.

(e) Keep all Trees and other vegetation free of bagworms, as required by Section 48-41.

(f) Maintain and keep all sight-proof screening and fencing in good repair at all times.

(g) Maintain landscaping by keeping lawns mowed, all plants properly groomed and maintained as disease-free, and all planting beds groomed.

(h) Maintain all plant material in compliance with the minimum requirements of this Division, in a healthy condition at the time of planting.

(i) Replace any planting(s) that were necessary to meet the requirements for a Certificate of Approval from the Building Commission or a Building Permit that are removed, diseased, or are no longer living, within one year or in the first planting season, whichever occurs first, except those in naturally occurring dense growths of Shrubs or undergrowth that were not disturbed during construction.

(j) Maintain lawn-quality sod, other Groundcovers, and/or planting beds with all planting installed and/or Mulch on all non-paved and non-built Developed Areas. Turf grass must be planted, seeded or re-seeded as necessary, watered and maintained in such a manner as to completely cover all exposed areas of soil after one full growing season.

(k) Maintain all required Privacy Landscaping installed to address privacy concerns as to adjoining properties.

Sec. 50-306. Rights of Public Utility Companies and the City.

Nothing in this Division affects in any way the rights of, or exercise by, any Public Utility or City department of its present and future acquired rights to clear Trees and other growth from lands used by the public utility or the City. The utility shall cooperate and coordinate with the property owner when clearing or pruning in the rights-of-way or easements on or adjacent to the property.

Sec. 50-307. Landscaping requirements for construction in the one- and two-family residential zoning districts.

Construction in the E-1 Estate District, the E-2 Urban Estate District, the R-1-75 Single-Family Residential District, the R-1-60 Single-Family Residential District, and the R-2 Two-Family Residential District that requires a Certificate of Approval from the Building Commission must meet the applicable requirements and restrictions set out in Section 50-167 and the provisions applicable for the project set out below.

(a) *Requirements related to construction of new Main Buildings and Secondary Buildings.* All construction of new Main Buildings and new Secondary Buildings must include landscaping in the front yard and side yards as an integral part of its design set out in a Landscape Plan meeting the requirements of Section 50-310. Privacy Landscaping may also be required in the rear yard to address privacy concerns. All such projects must be landscaped with Trees, Shrubs, and green areas meeting the requirements set out in this Division.

(b) *Requirements related to construction of Additions.*

(1) Additions in front and side yards. All construction of Additions in the front yard and side yard must include landscaping in the front yard and side yards as an integral part of its design set out in a Landscape Plan meeting the requirements of Section 50-310; provided however, such additional landscaping for an Addition may not be required if the property meets or exceeds the required Landscape Points. In order to make a recommendation whether additional landscaping will be required for such projects, the Code Official will coordinate a meeting with two Building Commissioners, at which meeting the Commissioners will offer a recommendation as to whether the City should require additional landscaping for the proposed Addition. The Code Official will consider such recommendation in making a determination and instruct the applicant accordingly.

(2) Additions in rear yards. If construction of a rear yard Addition will be visible from a street or any public way, it must include landscaping in the rear yard as an integral part of its design set out in a Landscape Plan meeting the requirements of Section 50-310. Otherwise, additional landscaping for rear yard Additions is not required.

(c) Required Landscape Points. The Landscape Plan required by this Section must meet or exceed 33 Landscape Points for every 1000 square feet of front yard and side yard, with a minimum of 300 Landscape Points. Landscape Point values are set out in Section 50-308. For the purpose of determining the required number of Landscape Points, the following apply for calculation:

- (1) The front yard and side yard square footage includes all paving and hardscape.
- (2) The area between the curb and the lot line is treated as Landscaped Area.

In creating the Landscape Plan, the applicant should: (1) calculate the required Landscape Points for the project; (2) determine the percentages and location of plantings, quantity, type, and size of plant materials needed to meet the Landscape Point requirements; (3) develop a Landscape Plan that meets the Landscape Point requirements and that shows the calculation of those Landscape Points on it. The City has available a calculation sheet available for assistance in calculating Landscape Points. In addition, the Nichols Hills Building Commission Building Demolition, Design, and Construction Guidelines contain several examples of Landscape Points for the single-family and two-family residential districts.

(d) Tree requirements. A minimum of one Tree with a minimum Caliper of three inches is required for every 2000 square feet of front yard and side yard. Such Trees will count toward the required number of Landscape Points. Existing trees, including

Significant Trees, in the rear yard may not be counted toward the required Landscape Points.

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

- (1) *Landscape Points available.* In order to encourage the preservation of the City's older Trees, credits toward the required Landscape Points may be claimed for any Significant Tree located in the front yard or side yard that will be preserved through protection from possible impacts of construction. No more than 50% of the required Landscape Points may be attributed to Significant Trees. Significant Trees in the rear yard may not be counted toward Landscape Points. However, efforts should be made to retain any Significant Trees in the rear yard and to maintain their health during any construction, as required by Section 50-167(12).
- (2) *Significant Tree health.* In its discretion, the Building Commission may require a report from a qualified professional (i.e. Urban Forester, Certified Arborist) following guidelines established by the International Society of Arboriculture that any Significant Tree claimed for credits toward the required Landscape Points is in good health.
- (3) *Significant Trees in the Right-of-Way.* No more than 25% of the total points for Significant Trees may be located within the public rights-of-way.
- (4) *Site Plan and Significant Tree protection requirements.* All Site Plans must clearly show any Significant Trees that are intended to be preserved and state how the Trees will be impacted and protected during construction. The Building Commission may require that any Significant Trees be preserved and protected during the construction process.
- (5) *Significant Trees that later die.* Any Significant Tree claimed for Landscape Points that dies during construction or as a result of construction, must be replaced with a Tree (or Trees) to equal or exceed the point of value of the lost Tree.

(f) *Privacy Landscaping to address privacy concerns.* The Building Commission may require Privacy Landscaping in all parts of a project, including the rear yard, to address privacy concerns. Privacy Landscaping required by the Building Commission will not be counted toward the required number of Landscape Points.

(g) *Irrigation Systems.* Irrigation Systems in compliance with Chapter 48 are required for all construction of Main and Secondary Buildings and Additions to Main and Secondary Buildings (except Minor Additions).

(h) Combination of plantings. Most any combination of plantings may be used to obtain the necessary number of Landscape Points provided that such combination otherwise complies with this Division. Different lots and landscapes will lend themselves to different types of plantings. The Building Commission encourages creativity and diversity in landscaping.

(i) Landscaping installation required for occupancy. The City will not issue a Certificate of Occupancy for a Structure until landscaping and the Irrigation System have been installed in accordance with the filed Landscape Plan; provided, however, that if a Structure and all its site improvements are complete except for the landscaping requirements and the season of the year will not permit planting, temporary occupancy may be permitted until a date certain in the growing season. In such case, the City will set a future inspection date to determine that the landscaping has been installed for issuance of a permanent Certificate of Occupancy.

Sec. 50-308. Landscape Point values for new construction in the one- and two-family residential zoning districts.

Following are the Landscape Point Values for various plantings. The City Tree List, set out in Section 48-2, provides a list of small, medium, and large Trees suggested for planting in the City.

<u>LANDSCAPE POINT VALUES FOR VARIOUS PLANTINGS</u>			
<u>Type of Plant Material</u>	<u>Minimum Size (at time of planting)</u>		<u>Point Value</u>
	<u>Deciduous Trees</u>	<u>Evergreen Trees</u>	
<u>Large Tree</u>	<u>8-inch or greater Caliper</u>	<u>22 ft. and over</u>	<u>26</u>
	<u>7-inch Caliper</u>	<u>19—21 ft. height</u>	<u>24</u>
	<u>6-inch Caliper</u>	<u>16—18 ft. height</u>	<u>22</u>
	<u>5-inch Caliper</u>	<u>13—15 ft. height</u>	<u>20</u>

	<u>4-inch Caliper</u>	<u>11—12 ft. height</u>	<u>18</u>
	<u>3-inch Caliper</u>	<u>9—10 ft. height</u>	<u>15</u>
<u>Medium Tree</u>	<u>2-inch Caliper</u>	<u>7—8 ft. height</u>	<u>12</u>
<u>Small Tree</u>	<u>Single Trunk: 1-inch Caliper</u>	<u>5—6 ft. height</u>	<u>9</u>
<u>Ornamental Tree</u>	<u>Multiple Trunk (minimum 3 trunks): Smallest trunk 1-inch Caliper</u>	<u>5—6 ft. height</u>	<u>9</u>
<u>Large Shrub/Perennial</u>	<u>5 gallon and 24-inch height at planting</u>		<u>3</u>
<u>Medium Shrub/Perennial</u>	<u>3 gallon and 12-inch height at planting</u>		<u>2</u>
<u>Small Shrub/Perennial</u>	<u>2 gallon and 8-inch height at planting</u>		<u>1</u>
<u>Groundcover/Perennial</u>	<u>1 gallon 4-inch pots</u>		<u>½ ¼</u>
<u>Existing Significant Tree</u>	<u>6-inch Caliper (Guideline B-8.10 <i>Existing Tree Credits</i>)</u>		<u>22 to 50</u>

- A minimum of 25 percent of required Landscape Points must be used for Evergreen plantings.
- A maximum of 15 percent of required Landscape Points may be used for perennial plantings.
- A maximum of 50 percent of required Landscape Points may be attributed to Significant Trees in the Developed Area.

Landscape points may be applied for each existing Significant Tree of the following sizes:

<u>POINTS FOR EXISTING SIGNIFICANT TREES</u>	
<u>SIZE</u>	<u>LANDSCAPE POINTS APPLIED</u>
<u>6 inch Caliper</u>	<u>22</u>
<u>7 inch Caliper</u>	<u>24</u>
<u>8 inch to 10 inch Caliper</u>	<u>26</u>
<u>10.1 inch Caliper to 15 inch DBH</u>	<u>30</u>
<u>15.1 inch to 20 inch DBH</u>	<u>35</u>
<u>20.1 inch to 25 inch DBH</u>	<u>40</u>
<u>Over 25 DBH</u>	<u>50</u>

DBH = diameter at breast height

Sec. 50-309. Landscaping requirements for new construction in the Multiple-Family Residential Zoning District and the Commercial Zoning Districts.

In addition to meeting the applicable requirements and restrictions set out in Section 50-167, all construction in the R-3 Multiple Family Residential Zoning District, the U-4 Church District, the C-1 Office District, and the C-2 Retail Business District that requires a Certificate of Approval from the Building Commission must include landscaping as an integral part of its design. Privacy Landscaping may also be required in the rear yard to address privacy concerns. All such projects must be landscaped with Trees, Shrubs, and green areas according to the following standards.

(a) *Required area to be landscaped.* The public right-of-way between the property line and the curb and not less than six percent of the total area of the lot must be landscaped. At least 75 percent of the required Landscaped Area must be in the front yard or side yards and visible from a street or any public way providing access to the property.

(b) *Landscape Plans required.* Each application for a Certificate of Approval from the Building Commission and for a Building Permit must be accompanied by a Landscape Plan meeting the applicable requirements of Section 50-310.

(c) *Required Landscape Points.* The Landscape Plan must meet The City of Oklahoma City's planting requirements (including frontage Tree requirements) and the required number of points (including site points and parking lot points, as applicable).

(d) *Existing Significant Trees.* Significant Trees should generally be preserved and protected. All Site Plans must clearly show any Significant Trees that are intended to be preserved and state how the Trees will impacted and protected during construction. The Developer will be required to provide an acceptable rationale for the proposed removal of any Significant Trees on the property. The Building Commission may require that any Significant Trees be preserved and protected during the construction process.

(e) *Privacy Landscaping to address privacy concerns.* The Building Commission may require Privacy Landscaping in all parts of a project, including the Rear Yard, to address privacy concerns. Privacy Landscaping required by the Building Commission will not be counted toward the required number of Landscape Points.

(f) *Irrigation Systems.* Irrigation Systems in compliance with Chapter 48 are required for all construction of Main and Secondary Buildings and Additions to Main and Secondary Buildings (except Minor Additions).

(g) *Gravel and chat prohibited.* The use of gravel or chat as Groundcover is prohibited.

(h) *Landscaping installation required for occupancy.* The City will not issue a Certificate of Occupancy for a Structure until landscaping and the Irrigation System have been installed in accordance with the filed Landscape Plan; provided, however, that if a Structure and all its site improvements are complete except for the landscaping requirements and the season of the year will not permit planting, temporary occupancy may be permitted until a date certain in the growing season. In such case, the City will set a future inspection date to determine that the landscaping has been installed for issuance of a permanent Certificate of Occupancy.

Sec. 50-310. Specifications for Landscape Plans.

Landscape Plans must be prepared by a qualified landscape architect or landscape designer and must meet the applicable required number of Landscape Points. Landscape Plans must include the following information:

(a) *The address of the property and its owner.*

(b) *The name, address, and contact information of the landscape architect or landscape designer that prepared the Landscape 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 fixture or structure including sidewalks, walls, fences, trash enclosures, project storage, lighting fixtures, signs, and benches, that are relevant to the Landscape Plan.

(h) The location, size, and type of all above-ground and underground public utilities with notation, where appropriate, as to any safety hazards to avoid during installation of landscaping. Alternatively, a letter of no objection provided by the utility company may be required.

(i) The location, size, type, spacing (on center), and quantity of all proposed plant materials and existing plant materials credited for points must be graphically represented and referenced on the plan by a common name and/or scientific name or an appropriate key of all plant species.

(j) The method of irrigation and area of coverage must be indicated.

(k) All screening required by this Code.

(l) A table listing the square footage of the front and side yards and all plant materials by scientific and common name, size, type, quantity, and point value and totals.

(m) Identification of any Sight Triangles at intersections and all other elements related to traffic control required by this Code.

(n) Calculation of required Landscape Points.

Sec. 50-311. Planting Plans required for certain driveway and hardscape changes.

For construction of an addition to or modification of a driveway or hardscape on that part of a Lot that abuts a street, the application for a Building Permit must be accompanied by a Planting Plan which includes graphic and written criteria of plant placement, plant specification of type, size and spacing, and other features to comply with the provisions of this Division. The Planting Plan will be reviewed as part of the Building Permit review processes. A Building Permit will not be issued until the Planting Plan has been reviewed, approved, and made a part of the Building Permit file.

Sec. 50-312. Planting Plan required for certain Accessory Buildings, Accessory Structures, and Accessory Uses.

For construction of Accessory Buildings, Accessory Structures or Accessory Uses when such Accessory Building, Accessory Structure or Accessory Use is proposed to be located in the rear yard such that it will be visible from a street or any public way, the application for a Building Permit must be accompanied by a Planting Plan for the area between the structure and the abutting property lines showing landscape treatment of the structure that will buffer and mitigate its visual impact on the abutting properties. The Code Official may require additional Privacy Landscaping to address privacy concerns related to construction of the Accessory Building, Accessory Structure or Accessory Use.

Sec. 50-313. Landscape Plans required for residential Planned Unit Developments and developments containing two or more single-family dwellings or duplexes.

A Landscape Plan is required for all new residential Planned Unit Developments and any development, subdivision or lot split that creates building sites for two or more single-family or two-family Dwellings. The Landscape Plan may be divided into a master plan for the total area plus submittal of specific Landscape Plans for individual properties with the application for a Building Permit.

Sec. 50-314. Enforcement of landscaping 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. 50-315. Nuisance declared; violation.

Any landscape 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 upon conviction thereof, shall be pushed as provided in Section 1-17. The imposition of penalties hereby proscribed shall not preclude the City from instituting appropriate action to restrain, correct or abate a violation of this Section as provided for in this Code.

Secs. 50-316—50-330. Reserved.

Section 2. Section 50-188 is hereby amended, with deleted language stricken through and 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.*

- e. ~~A planting plan showing conformance with the landscaping requirements of this chapter.~~ A Landscape Plan as required by Division 6, 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:

5. ~~A landscaping plan showing conformance with the landscaping requirements of this chapter.~~ A Landscape Plan as required by Division 6, 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:

- (7) ~~For new Main or Secondary buildings, a landscaping or planting plan as required by section 50-133. For additions to main or secondary buildings, a landscaping plan or planting plan, as applicable, is required if changes to existing conditions are to be made.~~ A Landscape Plan as required by Division 6 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 _____, 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

**No-build Vertical Envelope Ordinance Language
12-14-22 Version for Building Commission Review**

Proposed new language is underlined

Definition changes.

Sec. 50-3. Definitions.

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

No-Build Vertical Envelope means that portion of a Building adjacent to the Side Yard property line where construction is not permitted by the District Regulations applicable for the Building. The No-Build Vertical Envelope for each of the E-1 Estate District, the E-2 Urban Estate District, the R-1-75 Single-Family Residential District, and the R-1-60 Single-Family Residential District is set out in the District Regulations applicable to each District.

[The depictions included with this definition are to be stricken.]

Property Line means the line marking the boundary between any Street and the Lots or property abutting thereon as determined by the legal description of the property and the records of the County Clerk.

E-1 Estate District changes.

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

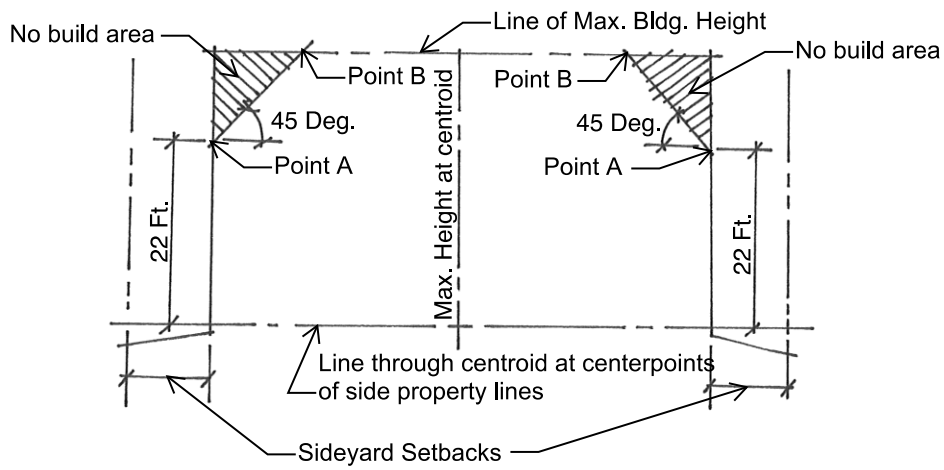
(e) *Development regulations.*

- (8) *Maximum Building height.* The Main Building maximum height is 45 feet. The Accessory Building, Accessory Structure or Accessory Use maximum height is 25 feet.
- (9) *No-Build Vertical Envelope – Main Building single step-back.*
 - a. Determining the No-Build Vertical Envelope. No portion of a Main Building is permitted within the No-Build Vertical Envelope. Each

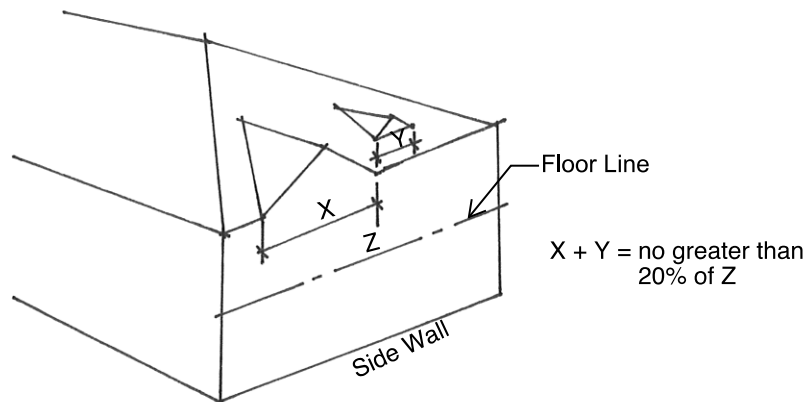
side of a Main Building must have a single step-back No-Build Vertical Envelope, the size and location of which are determined by creating a No-Build Vertical Envelope as follows:

1. Establish a point at the Side Yard Setback, at the Centroid level, then move vertically up 22 feet to point “A.”
 2. At point “A,” a 45-degree angle will be drawn to the point where it intersects a horizontal line drawn at the maximum Building height. This point will be point “B.”
 3. Connect points “A” and “B” to delineate a No-Build Vertical Envelope on each side of the Building.
- b. *Exceptions for side yard gables and dormers.* On a sidewall or roof section that faces a Side Yard, a gable or dormers may be added that do not exceed 20 percent of the length of the sidewall measured at finished floor level. The dormer or gable length will be measured at the 22-foot plate height level. Example: a 60-foot-long side wall may have a dormer or gable that measures 12 feet long at the 22-foot plate height level.
- c. *Depiction.* The No-Build Vertical Envelope for the E-1 Estate District and the exceptions to it are further depicted as follows:

No Build Vertical Envelope Definition Exhibit



No Build Vertical Envelope



Exception to No Build Vertical Envelope

E-2 Urban Estate District changes.

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

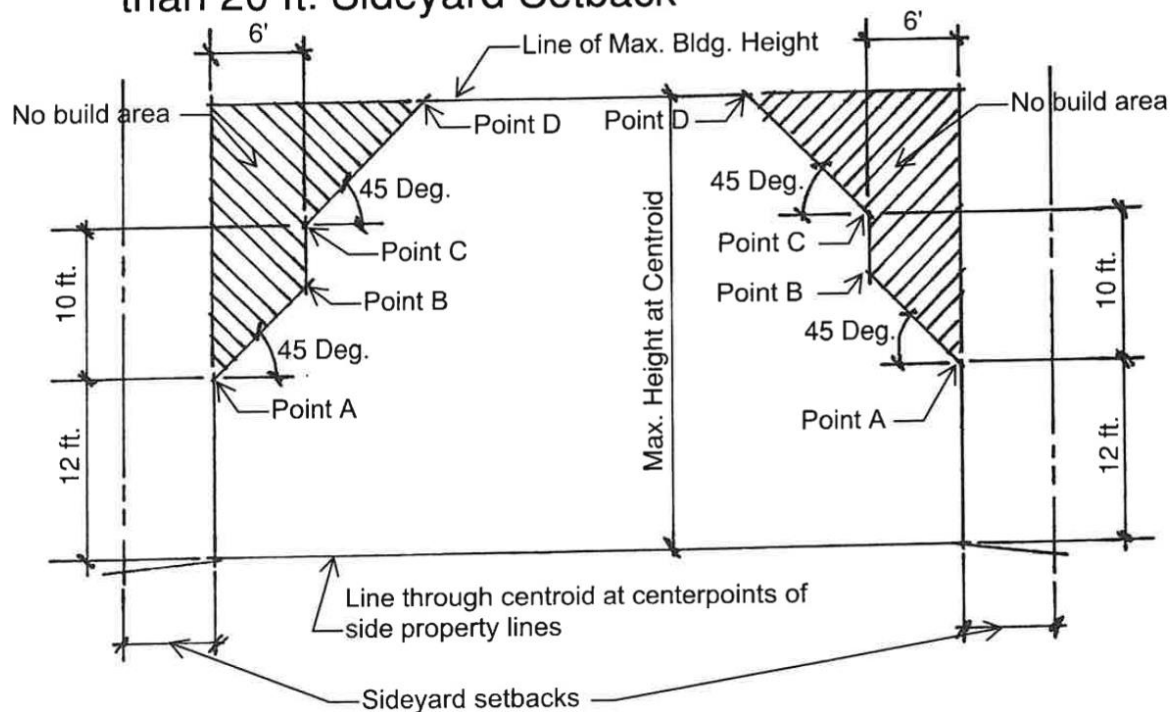
(e) *Development regulations.*

- (8) Maximum Building height. The Main Building maximum height is 45 feet. The Accessory Building, Accessory Structure or Accessory Use maximum height is 25 feet.
- (9) No-Build Vertical Envelope – Main Building double step-back when Side Yard Setback is less than 20 feet.
- a. Determining the No-Build Vertical Envelope. No portion of a Main Building is permitted within the No-Build Vertical Envelope. Any Side Yard Setback that is less than 20 feet from a side Property Line must have a double step-back No-Build Vertical Envelope, the size and location of which are determined by creating a No-Build Vertical Envelope as follows:
1. Establish a point at the Side Yard Setback Line, at the Centroid level, then move vertically up 12 feet to point “A.”
 2. At point “A,” a 45-degree angle will be drawn to the point where it intersects a vertical line offset from the Side Yard Setback Line a distance of six feet. This point will be point “B.”
 3. From point “B,” extend vertically four feet. This point will be point “C.”
 4. At point “C,” a 45-degree angle will be drawn to the point where it intersects with the maximum Building height, which will be point “D.”
 5. Connect points “A,” “B,” “C,” and “D” to delineate a No-Build Vertical Envelope on each side of the Building.
- b. Exceptions for side yard gables and dormers. On a sidewall or roof section that faces a side yard, gables or dormers may be added that: (1) do not exceed 20 percent of the length of the sidewall where the

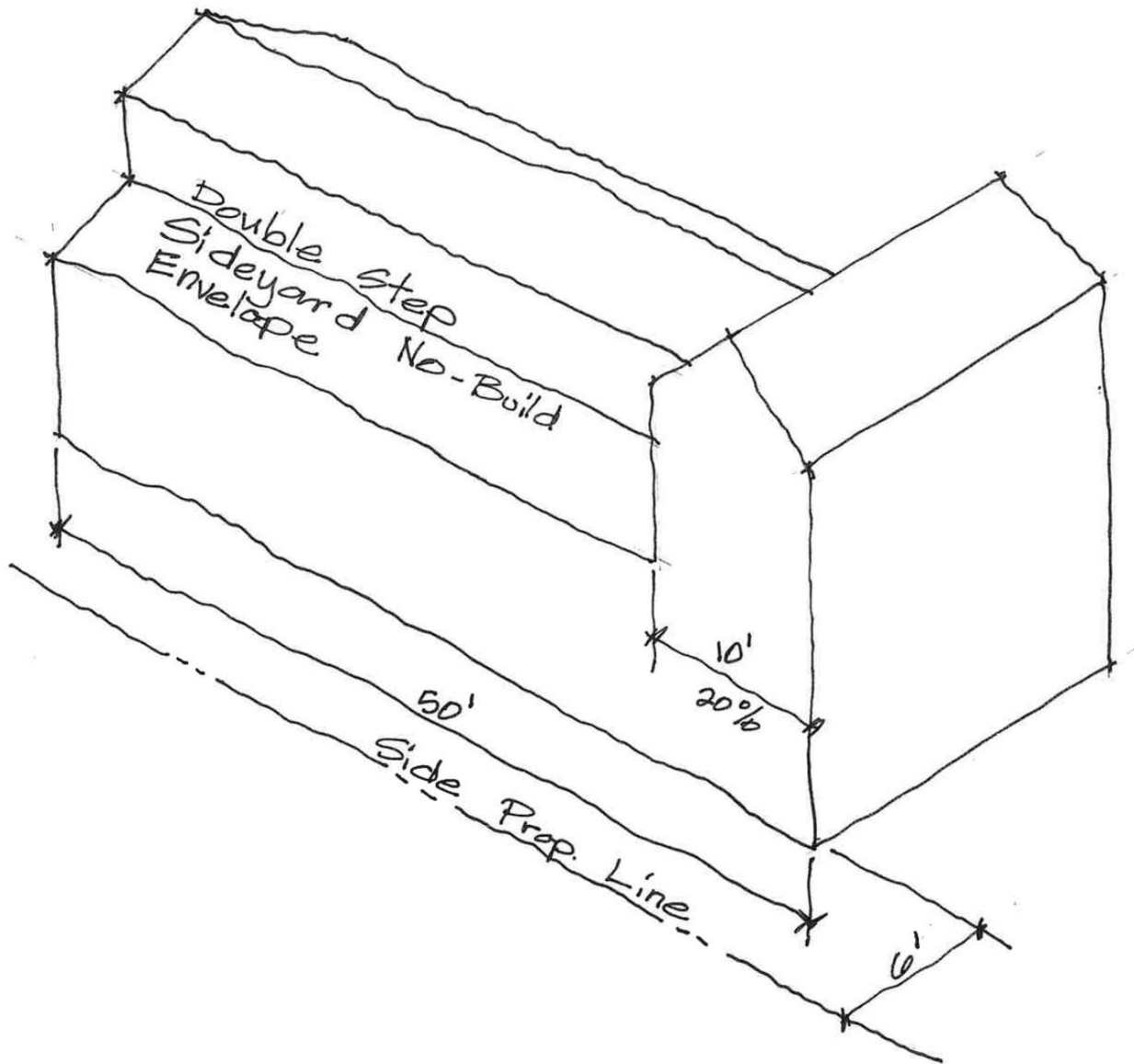
Building is constructed not less than six feet from the side Property Line; (2) do not exceed 30 percent of the length of the sidewall where the Building is constructed not less than seven feet from the side Property Line; or (3) do not exceed 40 percent of the length of the sidewall where the Building is constructed not less than eight feet from the side Property Line. The length of the sidewall will be measured at the finished floor level. The dormer or gable length will be measured at the plate height level. Example: a 60-foot-long side wall may have a dormer or gable that measures 12 feet long at the plate height level.

- c. Exception for single-story gable walls. There will not be a No-Build Vertical Envelope on a single-story gable wall with a maximum plate line of 12 feet.
- d. Depiction. The No-Build Vertical Envelope for any Side Yard Setback that is less than 20 feet from a side property line in the E-2 Urban Estate District and the exceptions to it are further depicted as follows:

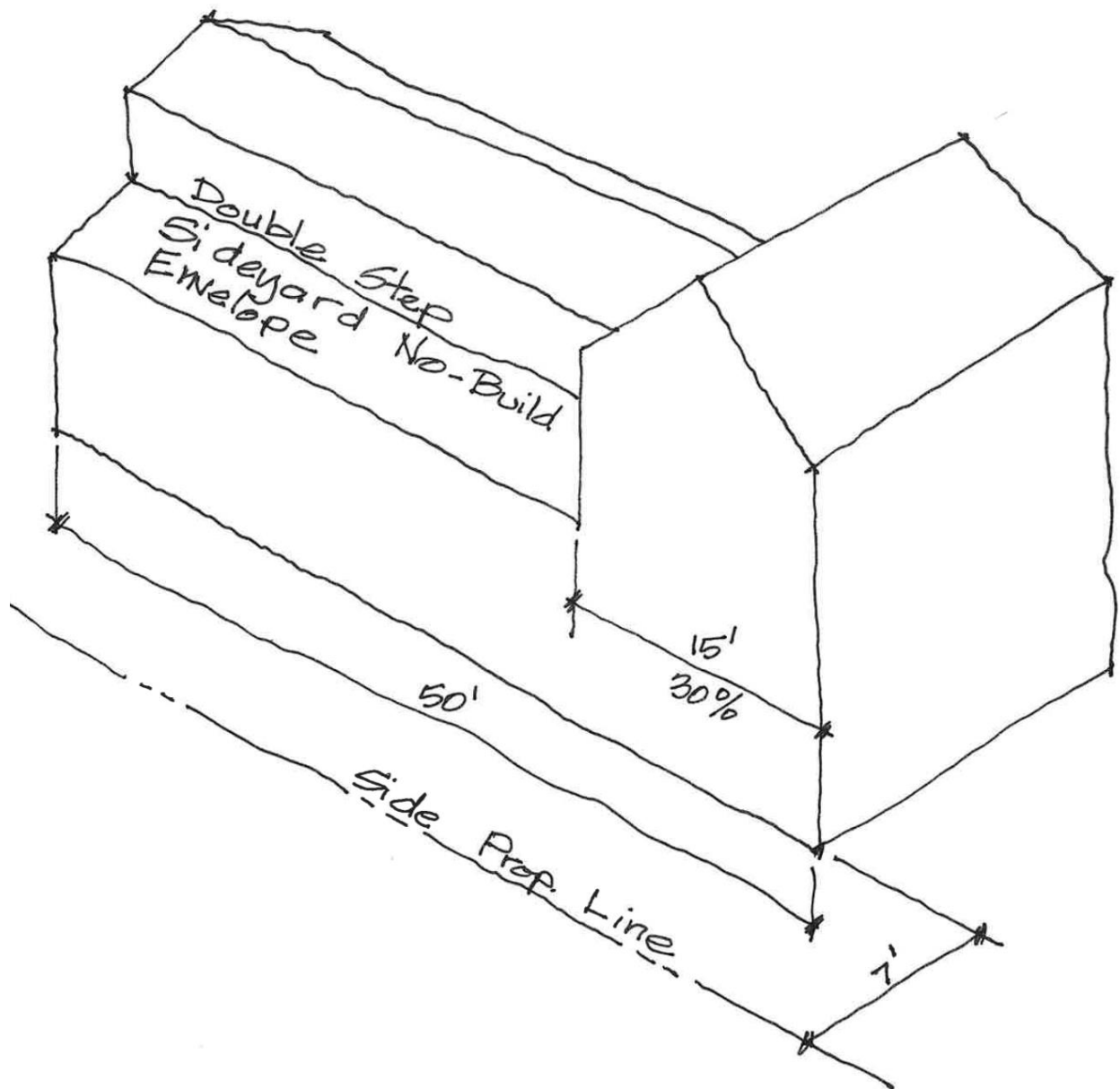
Double Stepback No Build Vertical Envelope Definition Exhibit for R-1-60 and R-1-75 Districts and E-2 District with less than 20 ft. Sideyard Setback



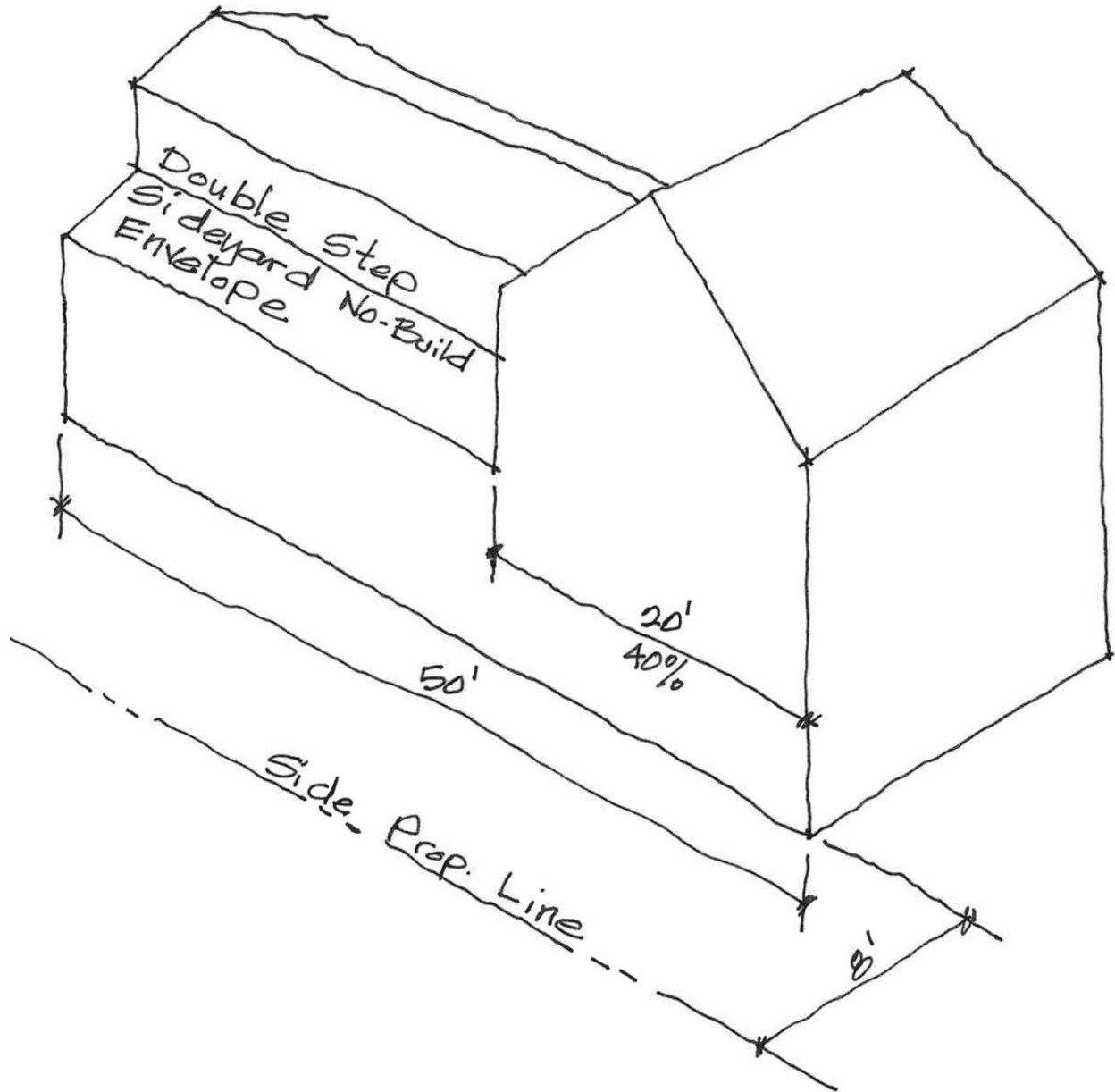
No Build Vertical Envelope



6' Sideyard Setback w/ 20% Exception
10/16/22



7' Sideyard Setback w/30% Exception
10/16/22

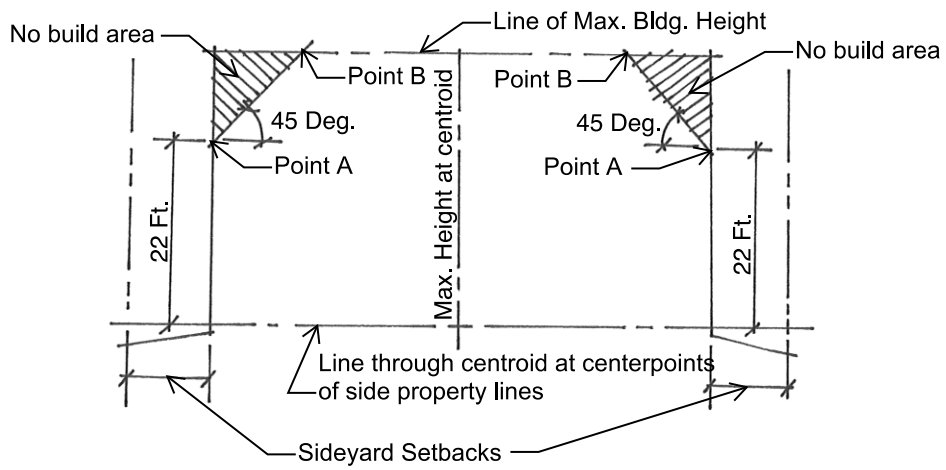


8' Sideyard Setback w/40% Exception
10/16/22

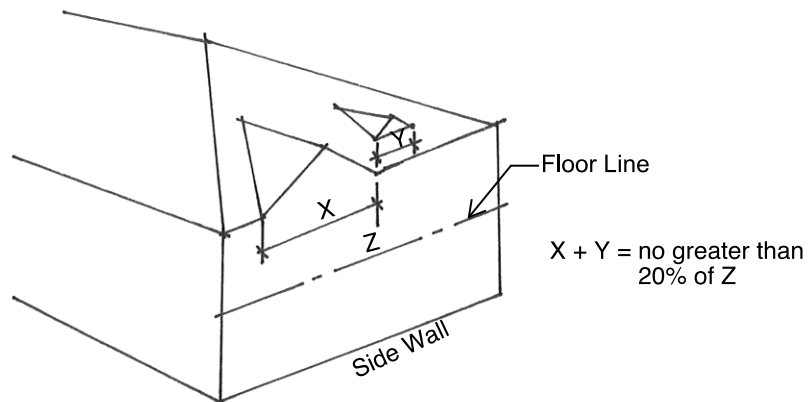
(10) No-Build Vertical Envelope – Main Building single step-back when Side Yard Setback is less than 20 feet.

- a. Determining the No-Build Vertical Envelope. No portion of a Main Building is permitted within the No-Build Vertical Envelope. Any Side Yard Setback that is 20 feet or more from a side property line must have a single step-back No-Build Vertical Envelope, the size and location of which are determined by creating a No-Build Vertical Envelope as follows:
 1. Establish a point at the Side Yard Setback at the Centroid level, then move vertically up 22 feet to point “A.”
 2. At point “A,” a 45-degree angle will be drawn to the point where it intersects a horizontal line drawn at the maximum Building height. This point will be point “B.”
 3. Connect points “A” and “B” to delineate a No-Build Vertical Envelope on each side of the Building.
- b. Exceptions for side yard gables and dormers. On a sidewall or roof section that faces a Side Yard, a gable or dormers may be added that do not exceed 20 percent of the length of the sidewall measured at finished floor level. The dormer or gable length will be measured at the 22-foot plate height level. Example: a 60-foot-long side wall may have a dormer or gable that measures 12 feet long at the 22-foot plate height level.
- c. Depiction. The No-Build Vertical Envelopes for any Side Yard Setback that is 20 feet or more from a side Property Line in the E-2 Urban Estate District and the exceptions to it are further depicted as follows:

No Build Vertical Envelope Definition Exhibit



No Build Vertical Envelope



Exception to No Build Vertical Envelope

R-1-75 Residential District changes.

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

(e) *Development regulations.*

(9) No-Build Vertical Envelope – Main Building double step-back.

- a. Determining the No-Build Vertical Envelope. No portion of a Main Building is permitted within the No-Build Vertical Envelope. Any Side Yard Setback that is less than 20 feet from a side Property Line must have a double step-back No-Build Vertical Envelope, the size and location of which are determined by creating a No-Build Vertical Envelope as follows:
 1. Establish a point at the Side Yard Setback Line, at the Centroid level, then move vertically up 12 feet to point “A.”
 2. At point “A,” a 45-degree angle will be drawn to the point where it intersects a vertical line offset from the Side Yard Setback Line a distance of six feet. This point will be point “B.”
 3. From point “B,” extend vertically four feet. This point will be point “C.”
 4. At point “C,” a 45-degree angle will be drawn to the point where it intersects with the maximum Building height, which will be point “D.”
 5. Connect points “A,” “B,” “C,” and “D” to delineate a No-Build Vertical Envelope on each side of the Building.
- b. Exceptions for side yard gables and dormers. On a sidewall or roof section that faces a side yard, gables or dormers may be added that: (1) do not exceed 20 percent of the length of the sidewall where the Building is constructed not less than six feet from the side Property Line; (2) do not exceed 30 percent of the length of the sidewall where the Building is constructed not less than seven feet from the side Property Line; or (3) do not exceed 40 percent of the length of the sidewall where the Building is constructed not less than eight feet from the side Property Line. The length of the sidewall will be measured at the finished floor level. The dormer or gable length will be measured

at the plate height level. Example: a 60-foot-long side wall may have a dormer or gable that measures 12 feet long at the plate height level.

- c. Exception for single-story gable walls. There will not be a No-Build Vertical Envelope on a single-story gable wall with a maximum plate line of 12 feet.
- d. Depiction. The No-Build Vertical Envelope for any Side Yard Setback that is less than 20 feet from a side property line in the E-2 Urban Estate District and the exceptions to it are further depicted as follows:

[Same depiction as for E-2 – side yard less than 20 feet]

R-1-60 Residential District changes.

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

- (e) *Development regulations.*

(9) No-Build Vertical Envelope – Main Building double step-back.

- a. Determining the No-Build Vertical Envelope. No portion of a Main Building is permitted within the No-Build Vertical Envelope. Any Side Yard Setback that is less than 20 feet from a side Property Line must have a double step-back No-Build Vertical Envelope, the size and location of which are determined by creating a No-Build Vertical Envelope as follows:
 1. Establish a point at the Side Yard Setback Line, at the Centroid level, then move vertically up 12 feet to point “A.”
 2. At point “A,” a 45-degree angle will be drawn to the point where it intersects a vertical line offset from the Side Yard Setback Line a distance of six feet. This point will be point “B.”
 3. From point “B,” extend vertically four feet. This point will be point “C.”
 4. At point “C,” a 45-degree angle will be drawn to the point where it intersects with the maximum Building height, which will be

point “D.”

5. Connect points “A,” “B,” “C,” and “D” to delineate a No-Build Vertical Envelope on each side of the Building.

- b. Exceptions for side yard gables and dormers. On a sidewall or roof section that faces a side yard, gables or dormers may be added that: (1) do not exceed 20 percent of the length of the sidewall where the Building is constructed not less than six feet from the side Property Line; (2) do not exceed 30 percent of the length of the sidewall where the Building is constructed not less than seven feet from the side Property Line; or (3) do not exceed 40 percent of the length of the sidewall where the Building is constructed not less than eight feet from the side Property Line. The length of the sidewall will be measured at the finished floor level. The dormer or gable length will be measured at the plate height level. Example: a 60-foot-long side wall may have a dormer or gable that measures 12 feet long at the plate height level.
- c. Exception for single-story gable walls. There will not be a No-Build Vertical Envelope on a single-story gable wall with a maximum plate line of 12 feet.
- d. Depiction. The No-Build Vertical Envelope for any Side Yard Setback that is less than 20 feet from a side property line in the E-2 Urban Estate District and the exceptions to it are further depicted as follows:

[Same depiction as for E-2 – side yard less than 20 feet]