

1. Agenda

Documents:

[2021-09-21 BUILDING COMMISSION - PUBLIC AGENDA-1659.PDF](#)

2. Meeting Materials

Documents:

[2021-09-21 BUILDING COMMISSION - FULL AGENDA-1659.PDF](#)

AGENDA

Regular Meeting of the
Nichols Hills Building Commission
Tuesday, September 21, 2021 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. August 17, 2021 Minutes

5. Public Hearings

Discussion, consideration, and possible approval of the following:

a. Certificate of Approval Application - 1719 Windsor Place, Nichols Hills, OK.

b. Certificate of Approval Application - 6408 Briarwood Lane, Nichols Hills, OK.

6. Items for Separate Vote

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

Discussion, consideration, and possible recommendation to the Planning Commission and City Council for approval of the following:

- a. Amendments to Section 50-3 of the City Code (Zoning) regarding definitions of the following words, terms and phrases used in Chapter 50 of the City Code, including establishment of formulas and diagrams for calculating the same:

- i. Lot Coverage
- ii. Centroid
- iii. Floor area, gross
- iv. Floor area ratio
- v. Attic
- vi. Buildable Area
- vii. Building Height
- viii. Lot Depth
- ix. Lot width
- x. No-build vertical envelope
- xi. Basement

- b. Discussion, consideration, and possible approval or disapproval of criteria to be used to determine whether a building should be deemed an “Architectural Resource,” as the term is defined in Section 50-342 of the Nichols Hills City Code.

7. Adjournment

I certify that the forgoing was filed in the Office of the City Clerk at 11:40 AM on the 16th day of September, 2021 and posted in prominent view on the window at City Hall, 6407 Avondale Drive, at 12:15 PM on the 16th day of September, 2021; posted to the City of Nichols Hills website at <http://www.nicholshills.net> at 5:00 PM on the 16th of September, 2021; and transmitted by email at 5:00 PM on the 16th day of September, 2021 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

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City Clerk
City of Nichols Hills, Oklahoma

MINUTES

Regular Meeting of the
Nichols Hills Building Commission
Tuesday, August 17, 2021 at 4:00 PM
City Hall, 6407 Avondale Drive
Nichols Hills, OK 73116

**Original agenda filed in the Office of the City Clerk at 4:32 PM on
the 6th day of August, 2021.**

1. Call to Order
2. Roll Call

Attendee Name	Title	Status	Arrived
Larry Herzel		Present	
John Lippert	Chairman	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. July 20, 2021 Minutes

MOTION: Oakley moved to approve the July 20, 2021 minutes as presented. Raines seconded the motion.

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

5. Public Hearings

Discussion, consideration, and possible approval of the following:

Attachment: August 17 2021 Minutes 1 (5390 : 3 August 17, 2021 Minutes)

- a. Certificate of Approval Application - 6820 NW Grand Boulevard, Nichols Hills, OK.

Mr. Larry Wallace along with Ken Unger, architect, presented the application to the members of the Building Commission.

Following discussion among the Building Commission Members, staff and applicant, Chairman Lippert 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 5a subject to: the civil engineer add to the impervious area calculation the area around the tennis court, swimming pool and the spa area; full brick be used on the exterior of the home; lowering the tennis court elevation; provide opaque windows on the three windows on the west side of the guesthouse; the fence around the garbage and generator be 4 to 5 feet in height; and low profiling directional lighting be provided on the tennis court. Caston seconded the motion.

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

- b. Certificate of Approval Application - 6408 Briarwood Lane, Nichols Hills, OK.

Mr. Nathan Bollman, real estate agent representing the owner of the property, presented the application to the members of the Building commission.

Following discussion among the Building Commission Members, staff and applicant, Chairman Lippert opened the public hearing.

Mr. Tom Kilpatrick spoke to the Building Commission about his

concerns on the drainage of the property. Mr. Kilpatrick's previous concerns on privacy have been resolved since the plans were modified to a one-story addition.

Mr. Saul Barragan, with S & B Premier Construction, stated he would like to review updated drainage plans with the City and a commissioner prior to the next meeting.

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

MOTION: Caston moved to continue to a date certain with the following updates: 1. Landscape plan shows the points achieved but also needs to show the points required, and remove the green velvet boxwoods which do not address any privacy issues. 2. The site plan needs to show the contour and grades and direction of water flow. Also, if this is going to tie into the stormwater system, it needs to show the location of the tie in and the size of the pipe on the tie in. Further, it needs to show the size of the inlet structure, the grading at the east elevation of the lot be higher than the bottom of the fence and higher than the inlet structure so that the water does not flow off this property to the adjoining property on the east. 3. The house plan needs to show the gutters to show the location of the down spouts and how that water is piped to the east or west to avoid flowing to the north onto the adjoining property, and confirmation of the deck material on the east elevation of the house. Raines seconded the motion.

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

6. Items for Separate Vote

Items listed in this section of this Agenda are usually discussed, considered, and voted on individually by the Building Commission.

Discussion, consideration, and possible approval of the following:

- a. Amendments to Section 50-3 of the City Code (Zoning) regarding definitions of the following words, terms and phrases used in Chapter 50 of the City Code, including establishment of formulas and diagrams for calculating the same:
 - i. Lot coverage
 - ii. Centroid
 - iii. Floor area, gross
 - iv. Floor area ratio
 - v. Attic
 - vi. Buildable area
 - vii. Building height
 - viii. Lot depth
 - ix. No-build vertical envelope
 - x. Lot width
 - xi. Basement

Commissioner Larry Herzel presented proposed changes to the definitions in Section 50 of the City Code (Zoning) to the Building Commission.

Following discussion among the Building Commission members, and staff, the definitions will be further discussed at the next schedule meeting.

7. Adjournment

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

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Jeff Oakley
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

See City Clerk's office.

See City Clerk's office.

See City Clerk's office.

**Building Commission – proposed Zoning Code ordinance revisions
Revised August 18, 2021**

Lot Coverage Definition

Existing Ordinance Language:

Lot coverage means the percentage of the buildable area of a lot which is covered by a roof or other structure and is not open to the sky. Lot coverage includes, but is not necessarily limited to, the main building, secondary buildings, accessory buildings, covered porches and decks, covered terraces, carports, and porte cocheres. Lot coverage does not include unenclosed swimming pools, unenclosed tennis or game courts, and driveways.

Proposed Ordinance Language – 7-20-21 – finalized 8-17-21

Lot coverage means the percentage of the buildable area of a lot which is covered by a roof or other structure and is not open to the sky, calculated from outside face of frame to outside face of frame. Lot coverage includes, but is not necessarily limited to, the main building, secondary buildings, accessory buildings, covered porches and decks, covered terraces, carports, and porte cocheres. Lot coverage does not include unenclosed swimming pools, unenclosed tennis or game courts, and driveways. The calculation of lot coverage must include roof overhang exceeding two feet beyond the supporting frame line.

Herzel Commentary: Historically roof overhangs have not been calculated as lot coverage, even though it would appear that they should be from the definition of lot coverage. One issue to discuss is the fact that as the roof pitch decreases, the overhang increases.

Centroid Definition

Existing Ordinance Language:

Centroid means a point at the center of the lot on undisturbed ground calculated by the following: Determine the front and rear yard main building setbacks and the side property lines. Draw diagonal lines from each of these corners and where the lines cross is the centroid of the lot.

Proposed Ordinance Language – 7-20-21 – finalized 8-17-21

Centroid means a point on a lot located in three dimensions at the center of the lot. The center point of the lot is determined by the intersection of diagonal lines drawn from the intersections of the front and rear yard main building setbacks and the side property lines. The elevation of the centroid is calculated by extending vertically from the center point of the lot. The centroid point is the elevation at the center of the lot, determined by the lower of following straight lines: (1) a straight line extended through the natural grade points at the median of the front and back main building setbacks; and (2) a straight line extended through the natural grade points at the two side property lines.

Herzel Commentary: The centroid has historically been the existing floor level if there was an existing building on the parcel. The latest conversations have been to modify this and always start from the natural grades on the site.

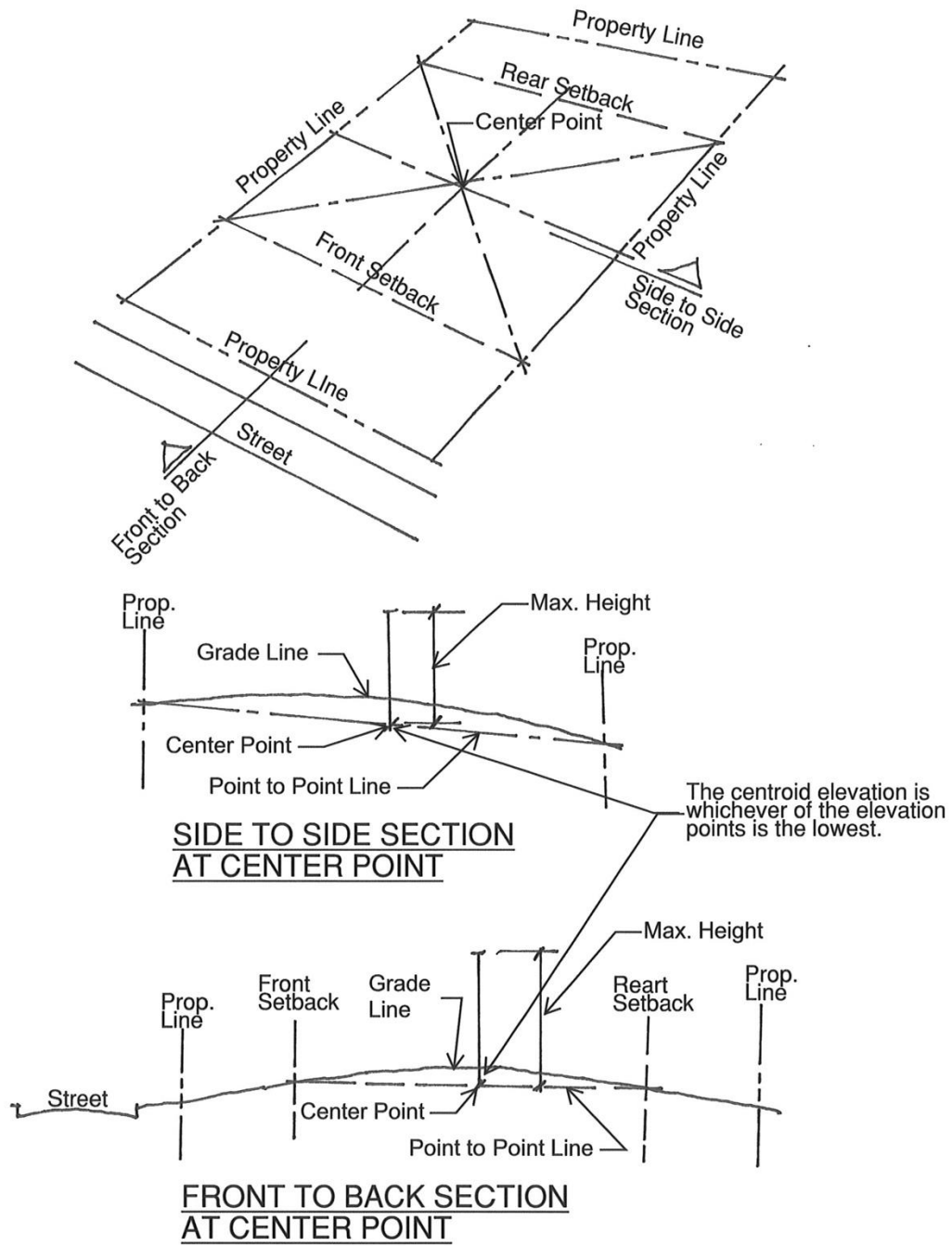
Sharpe Notes:

How “centroid” is now used in the Code:

- 50-135, *Building slabs*. The top of building slabs shall be limited to a maximum of two feet in height above the centroid.
- 8-68, *Certified height report required*. For all new construction of, or additions to, any main building or accessory building, a certified height report is required after completion of the framing of any such building, stating the height of such building as measured from the centroid to the top of ridge. ...
- District regulations: For the E-1 and E-2 Districts, the “maximum building height” is determined using the centroid of the structure. (See 50-47(e)(8)(b) and 50-48(e)(8)(b). For the R-1-75, and R-1-60 Residential Districts, the centroid level is used to determine the “no build envelope.” (See 50-49 (e)(8)(d) and 50-50 (e)(8)(d).)

With the new definitions, “centroid” would be also used in the definition of “building height.”

CENTROID DEFINITION EXHIBIT



Floor Area Definition

Existing Ordinance Language:

Floor area, gross, means the sum of the gross horizontal areas of all the floors of a building or buildings, measured from the exterior faces of exterior walls or from the centerline of walls separating the two buildings, and including, but not limited to, the following spaces unless specifically excluded herein:

- (1) Elevator shafts and stairwells at each floor;
- (2) Penthouses;
- (3) Interior balconies, mezzanines, and enclosed covered porches and enclosed steps;
- (4) Accessory uses in enclosed covered space, but no including uncovered space used for off-street parking;
- (5) Basements shall be excluded from calculations;
- (6) Enclosed areas within a pitched roof but above the plate line of the structure shall be excluded from calculations;
- (7) Garages shall be excluded from calculations.

Proposed Ordinance Language 7-20-21 – finalized 8-17-21

Floor area, means the sum of the horizontal areas of all of the floors of a building or buildings, measured from the outside face of frame to outside face of frame or from the centerline of walls separating the two buildings, and including, but not limited to, the following spaces, unless specifically excluded herein:

- (1) Elevator shafts and stairwells at each floor, to be calculated only once at ground level;
- (2) Habitable penthouses;
- (3) Interior balconies, mezzanines, and enclosed covered porches and enclosed steps;
- (4) Accessory uses in enclosed covered space, but not including uncovered space used for off-street parking.

The following space are excluded from the calculation of floor area:

- (1) Basements;
- (2) Attics;
- (3) Garages;
- (4) Mechanical spaces.

Herzel Commentary: Historically the floor area calculations have been based on “frame” dimensions of residences rather than the “veneer” dimensions. The definition as written in the ordinances will reduce the allowable residence size on any given parcel, if enforced.

Floor Area Ratio Definition

Existing Ordinance Language:

Floor area ratio means a mathematical expression determined by dividing the gross floor area of a building by the buildable area of a lot, as determined by setback lines, on which the building is located.

Proposed Ordinance Language – 7-20-21 – finalized 8-17-21

Floor area ratio means a mathematical expression determined by dividing the floor area of a building by the buildable area of a lot on which the building is located. (Floor area/buildable lot area = floor area ratio)

Attic Definition

Existing Ordinance Language:

No existing definition.

Proposed Ordinance Language – 7-20-21 – finalized 8-17-21

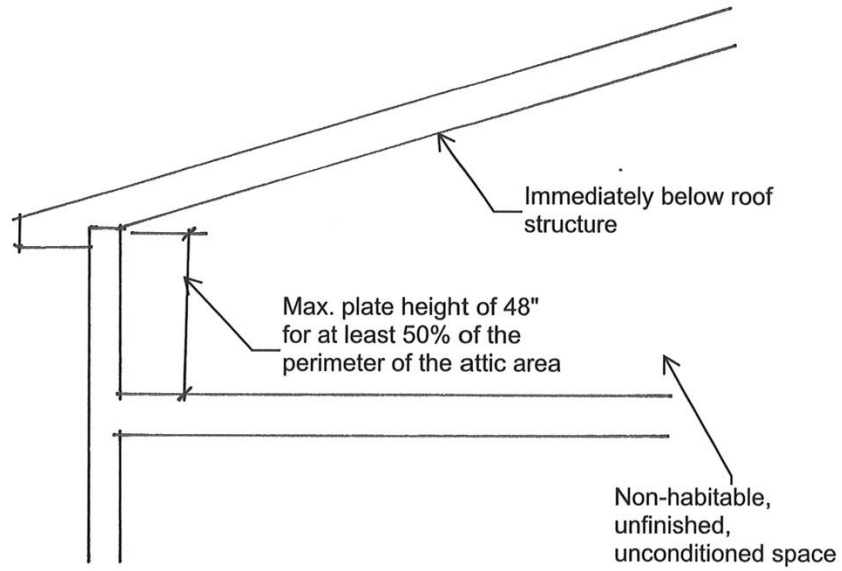
Attic means the space in a building that is directly below the roof structure and that is unfinished, uninhabitable, and not air conditioned. The only permitted use of an Attic is storage. Attics are not included in floor area calculations.

Sharpe Notes:

Some content of our prior version will be moved to the Building Commission Guidelines:

- At least 50 percent of the space must have a plate height of 48-inches or less above the floor structure.
- Sketch (on following page)

Attic Definition Exhibit



ATTIC SPACE

Buildable Area Definition

Existing Ordinance Language:

No existing language.

Proposed Ordinance Language – finalized 8-17-21

Buildable area means that portion of a single parcel of land, determined by setback lines, occupied or intended to be occupied by a building or structure. For a main building, the buildable area is that area between the front yard setback line, the rear yard setback line, and the side yard setback lines. For accessory buildings, the buildable area is that area between the outbuilding limit line, the rear yard setback line, and the side yard setback lines. For buildings in the R-1-75 and R-1-60 Residential Districts, the buildable area is that area between the front yard setback line, the side yard setback lines, and a measured line of 10'-0" parallel to the rear property line(s).

Herzel Commentary:

Commentary: For R-1-60 and R-1-75 lots, the 15'-0" dimension off of the rear property line is an arbitrary dimension to try and compromise between what the ordinance actually says (in the definition for floor area ratio) which is "the rear setback line" and the dimension of 10'-0" which has "historically" been the measurement. The confusion may have originated due to the fact that if a parcel has an accessory building proposed, then the measurement is from the 10'-0" accessory building setback. Or if there is no accessory building proposed then the measurement would have been taken from the 25'-0" main building rear setback line.

Building Height Definition

Existing Ordinance Language:

Building height means the vertical distance from the ground elevation of the lot, established prior to any filing or excavation operations, by locating the centroid of the proposed structure as it will be placed on the lot and measuring to the horizontal plane intersected by the highest point of the structure. Chimneys and antennas shall not be considered as structural elements for the purpose of measuring building height.

Proposed Ordinance Language – finalized 8-17-21

Building height means the vertical distance from the centroid of the lot to the horizontal plane intersected by the highest point of the building. Chimneys and antennas shall not be considered as structural elements for the purpose of measuring building height. For additions and renovations to an existing main building, the maximum allowable building height is measured from the existing entry floor level as accepted by the Code Official.

Herzel Commentary: The new definition states that the building height would be measured from the “centroid” rather than “the ground elevation of the lot, established prior to any filling or excavating operations.” On additions and renovations, it would seem reasonable to allow the existing main floor level to determine the starting point for measuring the allowable building height.

Lot Depth Definition

Existing Ordinance Language:

Lot depth means the average distance of the side lines of the lot, measured from the street line of the lot to its rear line.

Proposed Ordinance Language – finalized 8-17-21

No change.

Herzel Commentary: By using the median point on the front and rear property lines, a more accurate measurement can be gained, rather than averaging the side property lines.

Sharpe notes to Commissioners: The term “lot depth” is defined by the existing Code but it is not used anywhere. It is also not used in these proposed new definitions.

Lot Width Definition

Existing Ordinance Language:

Lot width means the distance between side property lines, measured at the front yard setback line.

Proposed Ordinance Language – finalized 8-17-21

(No proposed change)

Herzel Commentary: Historically, the lot width has been measured at the front property line rather than at the front setback line. The width at the front setback line should give a more accurate depiction of the lot in comparison to neighboring houses. This may slightly increase or decrease the side yard setbacks on any given trapezoidal lot.

No-Build Vertical Envelope Definition

Existing Ordinance Language:

No existing definition.

Proposed Ordinance Language – still in discussions

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.

Sharpe notes to Commissioners:

Existing “no build” provision for R-1-60 and R-1-75:

No build envelope. No main building is permitted within "**no build**" areas. Create a "**no build**" area on each side of the structure 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 with the maximum building height, which is point "B."
3. Connect points "A" and "B" to delineate a "**no-build**" area on each side of the structure.
4. 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 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.

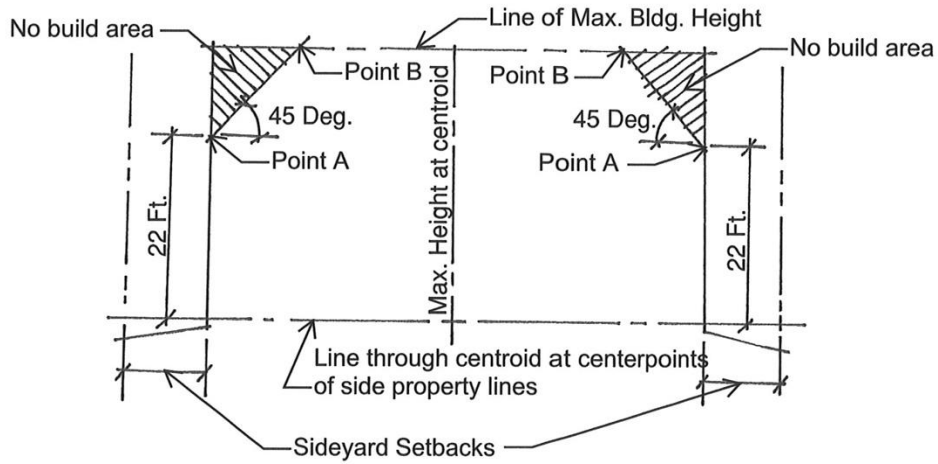
Existing “no build” provision for E-1 and E-2 Districts:

Maximum main building height is determined by creation of a building envelope using the side yard setback lines and the following formula:

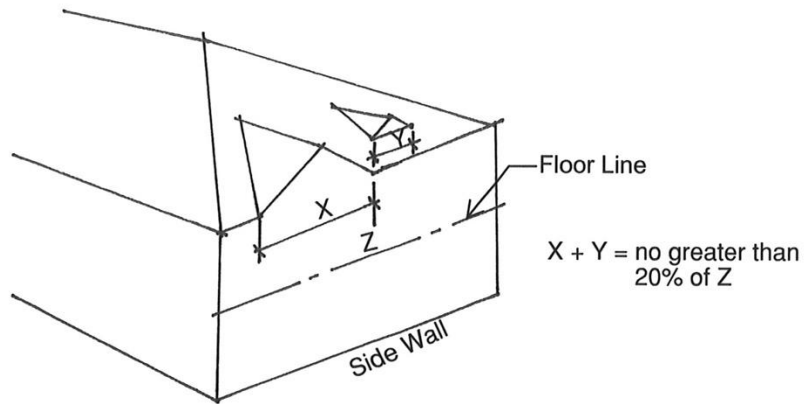
1. Establish a parallel line 35 feet above the centroid of the structure that extends from one required side yard setback to the other.

2. Create a "no build" triangle-shaped area on each side of the structure envelope as follows:
- (i) Begin at the intersection of the 35-foot maximum height plane and the required side yard setback line. Draw a line along the maximum height plane a distance of 12 feet to point "A."
 - (ii) From the same point of beginning, draw a vertical line along the side yard setback plane a distance of 13 feet to point "B." This point represents the maximum permitted plate height.
 - (iii) Connect points "A" and "B" to delineate a "no build" triangle-shaped area.
 - (iv) 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.

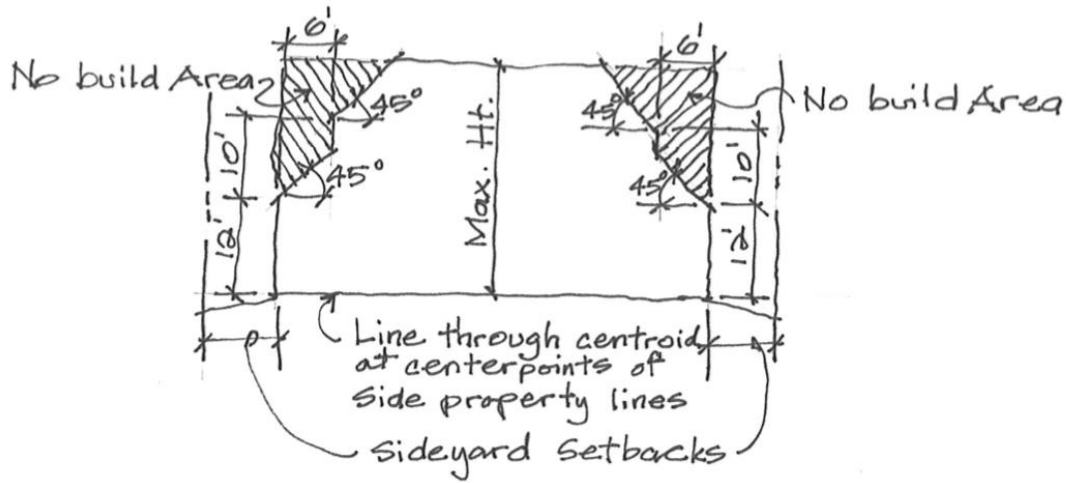
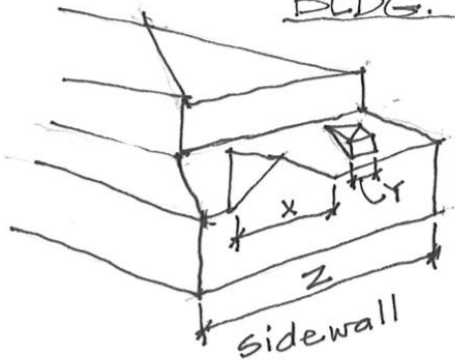
No Build Side Wall Envelope Definition Exhibit



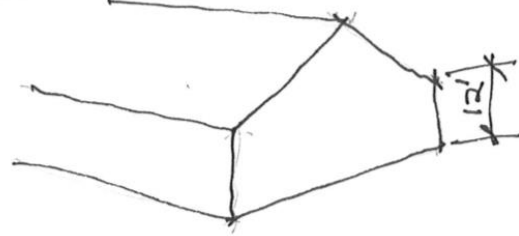
No Build Side Wall Envelope



Exception to No Build Side Wall Envelope

ALTERNATE DRAWINGS:NO BUILD VERTICAL ENVELOPEBLDG. SECTION

$x + y = \text{no greater than } 20\% \text{ of } z$



Single story gable

EXCEPTIONS TO VERTICAL SIDE WALL ENVELOPE

Basement Definition

Existing Ordinance Language:

No existing definition.

Proposed Ordinance Language – finalized 8-17-21

Basement means the lowest story of a building, which may be partially or wholly below ground level. In order to be a Basement, the story must have no more than 35% of its exterior perimeter wall above surrounding grade level. Basements are not included in floor area calculations.

Herzel commentary With no other definition to control, I guess the adopted 2015 IRC definition of: “Basement is a story that is not a story above grade plane” would be in effect.

The difficult part about a basement definition is when it is built on a sloping site with one or more walls above grade as a "walk-out" basement. I added the 35% factor as a somewhat arbitrary percentage to indicate when the basement becomes a usable story.

Basement Definition

Existing Ordinance Language:

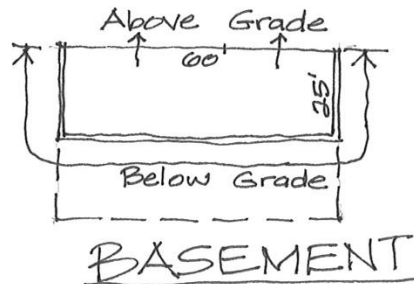
No existing definition.

Proposed Ordinance Language:

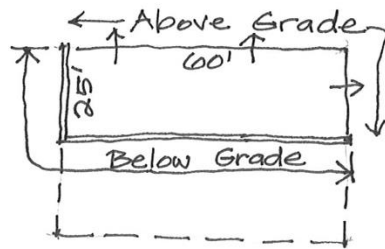
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The difficult part about a basement definition is when it is built on a sloping site with one or more walls above grade as a "walk-out" basement. I added the 35% factor as a somewhat arbitrary percentage to indicate when the basement becomes a usable story.



$$\begin{aligned} \text{Total Perimeter} &= 170' \\ \text{Above Grade Perimeter} &= 60' \\ 60/170 &= 35\% \end{aligned}$$



$$\begin{aligned} \text{Total Perimeter} &= 170' \\ \text{Above Grade Perimeter} &= 85' \\ 85/170 &= 50\% \end{aligned}$$

NOT A BASEMENT