

1. Agenda

Documents:

[2023-11-14 SPECIAL CITY COUNCIL - PUBLIC AGENDA-1854.PDF](#)

2. Meeting Materials

Documents:

[2023-11-14 SPECIAL CITY COUNCIL - FULL AGENDA-1854.PDF](#)

AGENDA

Special Meeting of the
Nichols Hills City Council
Tuesday, November 14, 2023 at 1:00 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 City Council only on items that appear on this Agenda. The City Council 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 City Council.

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 City Council on any matter that is not otherwise set for consideration on this Agenda.

4. Items for Separate Vote - General

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

- a. An ordinance amending Section 50-140 of the Nichols Hills City Code regarding allowed exterior wall building materials for the first floors of dwellings in residential districts; repealing all conflicting ordinances or parts of ordinances; providing for severability; and declaring an emergency.
- b. An Ordinance amending Section 50-29 of the Nichols Hills City Code regarding Corner Lots; repealing all conflicting ordinances or parts of ordinances; providing for severability; and declaring an emergency.
- c. Designation of "Architectural Resource", as the term is defined in Section 50-342 of the Nichols Hills City Code.

5. Adjournment

I certify that the forgoing was filed in the Office of the City Clerk at 3:25 PM on the 9th day of November, 2023 and posted in prominent view on the window at City Hall, 6407 Avondale Drive, at 3:45 PM on the 9th day of November, 2023; posted to the City of Nichols Hills website at <http://www.nicholshills.net> at 5:00 PM on the 9th of November, 2023; and transmitted by email at 5:00 PM on the 9th day of November, 2023 to those persons who have requested to be included on such notices pursuant to the Open Meeting Act and to those who have requested such notice.



City Clerk
City of Nichols Hills, Oklahoma

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City Clerk
City of Nichols Hills, Oklahoma

Published in _____ on _____, 2023

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 50-140 OF THE NICHOLS HILLS CITY CODE REGARDING ALLOWED EXTERIOR WALL BUILDING MATERIALS FOR THE FIRST FLOORS OF DWELLINGS IN RESIDENTIAL DISTRICTS; REPEALING ALL CONFLICTING ORDINANCES OR PARTS OF ORDINANCES; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

EMERGENCY ORDINANCE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NICHOLS HILLS, OKLAHOMA:

Section 1. Section 50-140 of the Nichols Hills City Code is amended as follows, with deleted language stricken through and new language underlined, to wit:

Sec. 50-140. Prohibited and allowed exterior building materials in Residential Districts; allowed exterior wall building materials for the first floors of Dwellings.

(a) General provisions and applicability.

- (1) The purpose and intent of this Section is to establish a list of building materials for exterior walls and exterior roofs that are prohibited and a list of such materials that are allowed for new construction of residential Dwellings and for Additions and Alterations to residential Dwellings (if required for the Addition or Alteration by Section 8-10 ~~11.~~) Further, this Section establishes the only allowed exterior wall materials for the primary portion of the first floor of residential Dwellings.
- (2) The requirements of this Section apply to the “E-1” Estate District, “E-2” Estate District, “R-1-75” Single-Family Residential District, “R-1-60” Single-Family Residential District, “R-2” Two-Family Residential District, and the “R-3” Multi-Family Residential District.
- (3) Nothing in this Section shall be construed to amend or lessen in any way the applicable development regulations for each of the Residential Districts as set out in this Chapter.
- (4) While this Section lists specific materials, it is also intended to provide guidance to residents as to future building materials that could be developed using new technologies that have substantially similar components and a substantially similar appearance as the listed materials in this Section. Such new materials should likewise be considered prohibited or allowed, as the case may be.

(b) *Prohibited building materials.*

- (1) Prohibited exterior wall materials.
 - a. Exposed standard smooth face concrete masonry units (CMU)
 - b. Vinyl siding
 - c. Plastic siding or panels
 - d. Corrugated metal, metal “R-panel,” and flat steel panel
 - e. Fiberglass panels
 - f. Exterior finishing coat system without foam board backing over plywood
 - g. Exposed standard smooth face plywood (except as soffit and trim)
 - h. Cement fiber board panels
 - i. Manufactured stone
 - j. Manufactured thin brick panels
 - k. Exposed concrete
 - l. Vehicle tires
 - m. Rammed earth
 - n. Straw bale
- (2) Prohibited exterior roof materials.
 - a. Thatch roofing
 - b. Mineral surfaced roll roofing on roofs of greater than 3/12 slope
 - c. Standard 3-tab asphalt composite shingles
 - d. Metal roofing with exposed fasteners

(c) *Allowed building materials.*

- (1) Allowed exterior wall materials.
 - a. Brick masonry
 - b. Natural stone masonry
 - c. Cast stone masonry
 - d. Wood siding
 - e. Wood shingle siding
 - f. Cement fiberboard lap siding or board and batten siding with battens at a maximum of 16 inches of center
 - g. Real cement stucco
 - h. Exterior insulated finishing system (EIFS) with foam board backing over plywood or exterior sheathing
 - i. Exterior finishing system (with base coat) with or without foam board backing over masonry or cementitious backer board
 - j. Glass
- (2) Allowed exterior roof materials.
 - a. Laminated asphalt composite shingles of 200 lbs./100 s.f. or better
 - b. Concrete shingles

- c. Clay tile shingles or “Spanish barrel” or “S” tile
- d. Natural stone shingles
- e. Synthetic “stone look” or “wood shingle look” shingles
- f. Standing seam metal roofing
- g. Fire retardant treated wood shakes
- h. Fire retardant treated No. 1 cedar shingles
- i. Built-up or single ply roofing on less than 2/12 slope

(d) Exterior wall materials allowed for primary portion of first floor of Dwellings. For all new construction of Dwellings and for Additions and Alterations to them, the primary exterior wall materials for the first floor of the Dwelling (or the Addition to it) must be brick masonry, natural stone masonry, cast stone masonry or real cement stucco.

Secs. 50-141—50-157. Reserved.

Section 2. All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 3. The provisions of this ordinance are severable and if any part or provision hereof shall be adjudged invalid by any court of competent jurisdiction, such adjudication shall not affect or impair any of the remaining parts or provisions hereof.

Section 4. EMERGENCY SECTION. WHEREAS, in the judgment of the Council it is necessary for the preservation of the peace, health, welfare and safety of the City of Nichols Hills, Oklahoma, and of the inhabitants thereof that the provisions of this ordinance be put into full force and effect immediately, and therefore an emergency is hereby declared to exist by reason whereof this ordinance shall take effect and be in full force from and after its passage as provided by law.

PASSED by the Council of the City of Nichols Hills, Oklahoma, on the ____ day of _____, 2023.

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

ATTEST:

Mayor

City Clerk

Reviewed as to Form and Legality:

City Attorney

Resources > Siding > EIFS vs. Stucco: What Are the Differences?

EIFS vs. Stucco: What Are the Differences?

By HomeAdvisor

Updated December 21, 2022



Attachment: Stucco (6912 : 9 Ordinance - first floor building materials)

BUILT Images / Blend Images / Adobe Stock

Stucco and Exterior Insulation and Finish System (EIFS) (also called synthetic stucco) are both aesthetically pleasing, long-lasting options for coating the exterior of your home. While they may look similar, homeowners should be aware of some key differences between the two.

The biggest differences between EIFS and traditional stucco are their constituent ingredients and application methods.

EIFS consists of synthetic materials applied in several coats over rigid foam insulation and a fiberglass mesh. On the other hand, traditional stucco comprises a mix of natural ingredients like Portland cement, sand, and lime applied in two to three layers over a metal lath on a sheathing.

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5. [Upkeep](#)
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7. [Installation](#)
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What Is EIFS?



MAXFX / Adobe Stock

Exterior Insulation and Finish System (EIFS) is a type of wall finishing system consisting of several layers, including an optional water-resistant barrier that covers the substrate, a form-insulation board, fiberglass mesh, a water-resistant base coat, and a finish coat. Some people also refer to EIFS as Dryvit, though Dryvit is not an actual product but rather the brand name of a company that manufactures EIFS products.

The outer layer of an EIFS siding is an acrylic finish coat that furnishes the material's texture and protects the inner layers. The base coat (usually cement mixed with acrylic polymer) sits beneath the outer layer and contains a fiberglass mesh embedded in it. This layer strengthens the finish's impact resistance. The insulation board—which lies below the base coat and is typically made of expanded polystyrene—provides added insulation.

Synthetic stucco is 80% lighter than traditional stucco and is relatively durable because it contains fiberglass. It also boasts an R-value (the ability to resist heat flow) between 4 and 5.6, making it a great choice for homes in cold climates. By comparison, the R-value of regular stucco is just 0.20.

EIFS, while water-resistant, is not waterproof, however. If water gets under the system, it can cause issues like rot and mold.

What Is Stucco?



oxanas / Adobe Stock

Traditional stucco is a cement-based plaster that contains a mixture of Portland cement, lime, sand, and water. Stucco is typically applied in three coats: a rough scratch coat, a secondary base coat, and a finish coat.

The scratch coat is the first layer and provides a strong base for the system. You don't need a scratch coat if you apply stucco over a brick or concrete wall. The secondary base coat, also known as the brown coat, provides an even surface for the finish coat to adhere to. The finish coat is a decorative coat, and you can color it to give your finish the look you want.

You typically apply the three coats of stucco to a metal lath or reinforcement secured to a wall over building paper, including felt paper, sheathing paper, or building felt. You can protect the edges with metal trim pieces. The metal lath provides structural support for the stucco, while the building paper acts as a second barrier against water (which gets through joints or cracks in the stucco membranes), separates the stucco from the structure itself, and helps embed the stucco mix in the metal lath. Rough masonry surfaces, such as concrete, don't require lath or building paper—you can apply stucco directly to the wall surface.

Properly installed stucco is durable and long-lasting. However, it can be susceptible to surface cracking.

Appearance

EIFS is visually indistinguishable from traditional stucco when viewed from a distance. One way to tell the difference between the two finishes is to knock on them. If your wall finish sounds hollow, it's most likely EIFS. If it's hard and solid, it's likely traditional stucco. A close examination will also reveal some texture differences between the two finishes.

EIFS	Traditional Stucco
Available in more colors	Limited color options
Has a smoother texture	Has a rougher texture than EIFS

EIFS

You can color and texturize EIFS to mimic the appearance of traditional stucco, brick, or other building materials, giving it greater versatility in terms of appearance. You can get EIFS in almost any color you want. This finish also has a relatively smoother texture than traditional stucco.

Traditional Stucco

Since it's a cement-based product, there are limitations to the colors you can get with this traditional stucco. The colors available are less vibrant than those of synthetic stucco. Traditional stucco also has a rougher texture than synthetic stucco.

Cost

EIFS is somewhat more time-consuming to install, so the overall installation costs for this finish tend to be higher than those of traditional stucco. However, EIFS has lower lifetime costs (including maintenance and repair) and also lasts longer. This makes it more cost-effective over the long term.

EIFS	Traditional Stucco
\$8 – \$14 per sq. ft., fully installed	\$7 – \$9 per sq. ft., fully installed

EIFS

EIFS costs between **\$8 and \$14 per square foot** of wall space, fully installed. For a standard home with 1,500 square feet of siding, this translates to between **\$12,000 and \$21,000**.

Traditional Stucco

Traditional stucco costs between **\$7 and \$9 per square foot**, fully installed. So, for a house with **1,500 square feet** of wall space, the cost of installing traditional stucco will be between **\$10,500 and \$13,500**.

That said, the [cost to stucco a house](#) (whether traditional stucco or EIFS) can vary widely depending on your exact location, time of year, and the contractor you hire to do the job.

Upkeep

Synthetic stucco is generally less of a headache when it comes to ongoing [siding maintenance](#). Both types of finishes, however, require regular inspection and cleaning. Avoid power washing for both materials. For traditional stucco, power washing can lead to cracks. In the case of EIFS, pressure washing can force water behind the finish and lead to mold and rot, among other problems, if there's no drainage system within your wall.

EIFS	Traditional Stucco
Requires less maintenance other than regular cleaning	More maintenance requirements, including caulking, patching, and even repainting, to maintain its good condition and appearance

EIFS

EIFS doesn't need repainting since the color runs through the material. The acrylic binder used in the system ensures resistance to fading, chalking, and yellowing. EIFS is also simple to clean, requiring only a low-pressure wash and a manufacturer-approved detergent.

Traditional Stucco

Traditional stucco has cement-based makeup. This makes it prone to cracking and means that it will require more regular maintenance, including caulking and patching, to keep it in good condition and maintain its appearance. Furthermore, if damage occurs to this finish, you may need to repair the entire surface. [Stucco repair costs](#) between **\$600 and \$2,500**. If you need to repaint, [stucco repainting costs](#) between **\$1.80 and \$3.60 per square foot**.

Still Have Questions About Your Siding Project?

Ask a Pro

Durability

Both traditional stucco and EIFS are quite durable. EIFS, however, has a slight advantage because of the inclusion of a fiberglass layer that provides more durability even in harsh weather conditions like hurricane-force winds.

EIFS	Traditional Stucco
Resistant to cracking	Prone to cracking over time
Can trap moisture behind the finish leading to mold and rot	Is porous in nature and thus allows moisture to move both in and out as necessary.

EIFS

Synthetic stucco is highly resistant to cracks and crumbling resulting from shifting foundations, thermal expansion, or freeze/thaw cycles. One disadvantage of EIFS, however, is that it’s non-porous and thus tends to trap moisture if it gets behind the system. You, therefore, need to integrate a drainage system into your wall. Otherwise, moisture can slowly build up and lead to wall damage. By contrast, traditional stucco is “breathable” in nature, permitting moisture to move both into and out of the wall cavity.

Traditional Stucco

Traditional stucco is highly resistant to termite infestations, rot, and mold. However, the material tends to buckle in extreme weather. Repeated freeze and thaw cycles in cold weather, for example, can lead to the gradual disintegration of the material.

Installation

Installing EIFS is more complex and time-consuming than traditional stucco. While you can install traditional stucco DIY, let professionals handle your EIFS installation.

EIFS	Traditional Stucco
Needs professional installation	DIY installation is possible

EIFS

Installing EIFS is more difficult and time-consuming. This is because there are many layers to install, some of which must dry before applying others on top. This type of finish also carries a high risk of error. Proper installation is necessary to avoid water intrusion, which can lead to issues like mold and rot down the road. This is why it’s best to leave EIFS installation to professionals.

Traditional Stucco

Handy homeowners can apply traditional stucco DIY. This can help you save on labor costs. But if you’re unsure of your ability to correctly apply the finish, hire a [local stucco contractor](#) to ensure correct installation.

Environmental Impact

Neither traditional stucco nor synthetic stucco is exactly environmentally friendly. For a more eco-friendly wall finish, you can go for wood, stone, or stone veneer siding.

EIFS	Traditional Stucco
The acrylic in EIFS is a petroleum product, which is non-renewable	Portland cement production is energy intensive and emits pollutants

EIFS

The acrylic used in EIFS comes from petroleum, which is non-renewable and non-recyclable.

Traditional Stucco

One of the chief ingredients of traditional stucco is Portland cement. The manufacture of this ingredient is energy intensive and also emits large amounts of CO₂ and other pollutants. These factors lower the overall environmental friendliness of this finish.

Resale Value

Both EIFS and traditional stucco protect your home from the elements and can boost its resale value. The ROI for both types of finishes is roughly the same (around 70%). So, when comparing EIFS siding versus stucco, choose the finish that best meets your current needs and preferences, even if you plan to sell your home later.

Is EIFS or Stucco Better for Your Home?

Both traditional stucco and synthetic stucco have their pros and cons. Neither is completely superior to the other. The best choice for your home will depend on the climate in which you live, the style and design of your home, your budget, and your personal preferences. Use the table below to compare the two options and determine the best for your home.

Factor	EIFS	Traditional Stucco
Appearance	More color options and smoother texture	Fewer color options and rougher texture
Cost	\$8 – \$14 per sq. ft., fully installed	\$7 – \$9 per sq. ft., fully installed
Upkeep	No major maintenance requirements other than regular cleaning	More maintenance requirements including patching, caulking, and repainting
Durability	Resistant to cracking, but can trap moisture behind	Prone to cracking but more “breathable” (allows in and out movement of

Factor	EIFS	Traditional Stucco
	the finish	moisture)
Installation	Needs installation by a professional	Possible to install DIY
Environmental impact	Petroleum-based and therefore not renewable	Manufacture of Portland cement, one of the core ingredients is energy intensive and releases high amounts of CO2
Resale value	About 70% return on investment (ROI)	About 70% ROI (same as EIFS)

EIFS and Stucco vs. Other Options

When [comparing siding materials](#), stucco and EIFS are just two of many options. You may find another option, such as traditional wooden siding, more suitable for your home and budget. If unsure which is the best choice for your home, contact a local home exterior professional to discuss your options.

Vs. Vinyl siding

Vinyl siding consists of PVC plastic resin boards. It's treated to resist mildew, rot, and chipping. Vinyl siding is cost-effective, easy to install, and available in many colors. However, it can warp and melt in hot climates.

Vs. Concrete Siding

Concrete siding, also known as fiber cement siding, is another great option for homeowners. It can work under any climate and also does a better job of resisting moisture. Though it still contains Portland cement, whose production can be energy intensive, its long life and durability mean that it's less likely to need replacement sooner and thus less likely to end up in landfills.

Vs. Wood Siding

Wooden siding is a popular choice for homeowners who want a traditional look. While many suitable wood varieties exist, cedar and redwood are common because they're resistant to decay. Wood siding is quick and easy to install, and replacing a damaged board is simple. Wood is renewable and biodegradable, so it's an environmentally friendly choice if sourced sustainably.

Consult With a Siding Pro Today

Find a Pro

Published in _____ on _____, 2023

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 50-29 OF THE NICHOLS HILLS CITY CODE REGARDING CORNER LOTS; 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 50-29 of the Nichols Hills City Code is amended as follows, with deleted language stricken through and new language underlined, to wit:

Sec. 50- 29. Setback requirements for corner lots.

(a) That certain document entitled *Corner Lot Building Setback Requirement Plan of the City of Nichols Hills* (the “Setback Plan”), copies of which are on file in the office of the City Clerk, is hereby adopted and enacted as a part of this Ordinance and Code, with each of its provisions made a part hereof by reference as if fully set out in this Chapter. The Setback Plan establishes required Building Setbacks for listed corner lots located in the following Zoning Districts:

- (1) R-1-75 Single-Family Residential District;
- (2) R-1-60 Single-Family Residential District;
- (3) R-2 Two-Family Residential District;
- (4) E-1 Estate District; and
- (5) E-2 Urban Estate District.

(b) Notwithstanding anything to the contrary contained in this Code:

- (1) ~~All Certain~~ Building Setback requirements for Lots listed by the Setback Plan (“Listed Lots”) are contained in the Setback Plan ~~or in this Section, including front, rear and side yard building setback requirements; no other setback requirements shall be applicable to listed lots.~~
- (2) Listed Lots shall comply with the Building Setback requirements of the Setback Plan. In addition, where a specific Setback is not stated in the Setback Plan, the Listed Lot shall also comply with the Building Setback Requirements for the applicable Zoning District, including the minimum Rear Yard Setbacks for second floors of Main Buildings required the R-1-75 Single-Family Residential District, the R-1-60 Single-Family Residential District, the R-2 Two-Family Residential District, and the E-2 Urban Estate District.

~~(3) The front elevation of a residence located on a Listed Lot shall be determined by its owner, and may be addressed to any abutting street.~~

(3 4) Accessory Buildings, Accessory Structures, and Accessory Uses less than 14 feet in height shall comply with the Setback requirements of the Setback Plan and Accessory Buildings, Accessory Structures, and Accessory Uses 14 feet or greater in height shall comply with the Setback requirements of the Setback Plan plus one foot of additional Setback for each full foot of additional Building height greater than 14 feet.

Section 2. All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 3. The provisions of this ordinance are severable and if any part or provision hereof shall be adjudged invalid by any court of competent jurisdiction, such adjudication shall not affect or impair any of the remaining parts or provisions hereof.

Section 4. EMERGENCY SECTION. WHEREAS, in the judgment of the Council it is necessary for the preservation of the peace, health, welfare and safety of the City of Nichols Hills, Oklahoma, and of the inhabitants thereof that the provisions of this ordinance be put into full force and effect immediately, and therefore an emergency is hereby declared to exist by reason whereof this ordinance shall take effect and be in full force from and after its passage as provided by law.

PASSED by the Council of the City of Nichols Hills, Oklahoma, on the ____ day of _____, 2023.

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

ATTEST:

Mayor

City Clerk

Reviewed as to Form and Legality:

City Attorney

Published in _____ on _____, 2023

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 50-29 OF THE NICHOLS HILLS CITY CODE REGARDING CORNER LOTS; REPEALING ALL CONFLICTING ORDINANCES OR PARTS OF ORDINANCES; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

EMERGENCY ORDINANCE

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- (1) R-1-75 Single-Family Residential District;
- (2) R-1-60 Single-Family Residential District;
- (3) R-2 Two-Family Residential District;
- (4) E-1 Estate District; and
- (5) E-2 Urban Estate District.

(b) Notwithstanding anything to the contrary contained in this Code:

- (1) ~~All Certain~~ Building Setback requirements for Lots listed by the Setback Plan (“Listed Lots”) are contained in the Setback Plan ~~or in this Section, including front, rear and side yard building setback requirements; no other setback requirements shall be applicable to listed lots.~~
- (2) Listed Lots shall comply with the Building Setback requirements of the Setback Plan. In addition, where a specific Setback is not stated in the Setback Plan, the Listed Lot shall also comply with the Building Setback Requirements for the applicable Zoning District, including the minimum Rear Yard Setbacks for second floors of Main Buildings required the R-1-75 Single-Family Residential District, the R-1-60 Single-Family Residential District, the R-2 Two-Family Residential District, and the E-2 Urban Estate District.

(3) ~~The front elevation of a residence located on a Listed Lot shall be determined by its owner, and may be addressed to any abutting street. A~~ change to the historic front elevation of a Dwelling as shown in the Setback Plan requires a Certificate of Approval issued by the Building Commission.

(4) Accessory Buildings, Accessory Structures, and Accessory Uses less than 14 feet in height shall comply with the Setback requirements of the Setback Plan and Accessory Buildings, Accessory Structures, and Accessory Uses 14 feet or greater in height shall comply with the Setback requirements of the Setback Plan plus one foot of additional Setback for each full foot of additional Building height greater than 14 feet.

Section 2. All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 3. The provisions of this ordinance are severable and if any part or provision hereof shall be adjudged invalid by any court of competent jurisdiction, such adjudication shall not affect or impair any of the remaining parts or provisions hereof.

Section 4. EMERGENCY SECTION. WHEREAS, in the judgment of the Council it is necessary for the preservation of the peace, health, welfare and safety of the City of Nichols Hills, Oklahoma, and of the inhabitants thereof that the provisions of this ordinance be put into full force and effect immediately, and therefore an emergency is hereby declared to exist by reason whereof this ordinance shall take effect and be in full force from and after its passage as provided by law.

PASSED by the Council of the City of Nichols Hills, Oklahoma, on the ____ day of _____, 2023.

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

ATTEST:

Mayor

City Clerk

Reviewed as to Form and Legality:

City Attorney

City of Nichols Hills, Oklahoma Architectural Resources Talking Points

The City wants to protect Architectural Resources.

The City Code states that Architectural Resources should be preserved, protected, renovated, and restored whenever reasonably possible. The Building Commission's Guidelines state that Architectural Resources should generally not be moved or demolished.

The City protects Architectural Resources through the Building Commission process.

The City Code charges the Building Commission with reviewing all requests to demolish buildings, to construct new buildings and additions to buildings, and to make other significant changes to the front facades of buildings. Therefore, any such request regarding an Architectural Resource would come before the Building Commission for review.

Being listed on the City's Architectural Resources List does not create an historic preservation designation or district as exist, for example, in Heritage Hills and Crown Heights, nor does the City intend to create such districts or designations. Rather, the City Code simply directs the Building Commission to provide additional review to any request to demolish, add onto or change the front façade of an Architectural Resource, with the goal of preserving each Architectural Resource in its original state to the extent reasonably possible.

Note that Building Commission review does not dictate the types of windows that may be used in Architectural Resources.

What is an "Architectural Resource" in Nichols Hills?

The City Code defines Architectural Resources as "buildings that possess significant local interest or significant artistic or architectural merit, that are particularly representative of their class or period, or that are particularly important to the City's history."

The Building Commission developed criteria to determine whether a particular building falls within that definition. That criteria includes buildings that are significant to the City's history, buildings that exemplify a particular architectural style, buildings built during the early stages of the City's development, and buildings that are valued by the community as significant.

In reviewing applications for Building Commission approval, the Building Commission may determine that a particular building is an Architectural Resource under the City's definition and the Building Commission criteria and thus, determine to give the application increased scrutiny. The Building Commission makes that determination—not the applicant.

What does it mean that Architectural Resources get "increased scrutiny?"

Because the City Code states the Architectural Resources should be preserved and protected, if an owners wants to demolish or significantly change an Architectural Resource, the Building

Commission would give more scrutiny to that request than to the same request as to a building that is not an Architectural Resource. In other words, the owner of the Architectural Resource would have to prove why demolishing or changing the building is more important than retaining it as is, with a presumption by the Building Commission that the building should remain as it is, without any significant change.

In the Building Commission process, applicants are required to provide many types of documents and information, all as set out in Section 50-372 which includes floor plans, drawings, drainage information, and site plans. If the Building Commission determined that the subject building was an Architectural Resource, the applicant would also be required to provide information showing that taking the requested action is reasonable and necessary. Examples could include an owner providing evidence showing that the house is no longer structurally sound.

Could an Architectural Resource ever be demolished?

It is unlikely that an application to demolish an Architectural Resource would be approved absent very unusual circumstances.

What are the benefits of listing a home on the City's Architectural Resources List?

Aside from the pride associated with listing a home on the City's Architectural Resources List, the benefit to the owner is knowing with a certainty that the building will be protected as an Architectural Resource during that owner's period of ownership and after. If the owner wanted to make an application to demolish or change the home, that owner would know at the outset that such an application would receive increased scrutiny and be able to prepare for the Building Commission review process accordingly.

Further, the Building Commission Guidelines state that the potential impacts of new and remodeled buildings in the vicinity of Architectural Resources should be carefully considered in order to not detract from the site of the Architectural Resource. Listing a home on the City's Architectural Resources List will ensure that notice is given to other homeowners nearby that their projects may well receive increased scrutiny as needed to protect the Architectural Resource.

Would refusing to list a home on the City's Architectural Resources List change anything if the owner later decides to file an application to demolish or significantly change it?

No. Whether a particular building is on the City's Architectural Resources List is not determinative of whether or not the building is, in fact, an Architectural Resource. If the Building Commission decides that the building is an Architectural Resource, it will be given increased scrutiny, whether it is on the City's Architectural Resources List or not.

Does the Building Commission have any authority over the interior of an Architectural Resource?

No. The Building Commission's authority is limited to requests to (1) demolish or move buildings; (2) construct new main buildings, new secondary buildings, and additions to main or secondary buildings; and (3) some façade changes.

Does the Building Commission have any rules when it considers applications?

Yes. The Building Commission is subject to Article V of Chapter 50 of the Nichols Hills City Code. The City Code is available at www.nicholshills.net. The Building Commission also adopted the Nichols Hills Building Commission Building Demolition, Design and Construction Guidelines which it uses, as applicable, in reviewing applications. A copy of the Guidelines is available from the City Clerk.

Designation of Architectural Resources in Nichols Hills

The Nichols Hills City Council and the Nichols Hills Building Commission place special value on the Architectural Resources in Nichols Hills. The Nichols Hills City Code defines “Architectural Resources” as “buildings that possess significant local interest or significant artistic or architectural merit, that are particularly representative of their class or period, or that are particularly important to the City’s history.”¹

At the City Council’s direction, the Building Commission is now undertaking the task of specifically identifying and listing the City’s Architectural Resources. This overview explains how the Building Commission determines whether a building is an Architectural Resource and the importance of officially designating and listing each Architectural Resource.

The Building Commission review process.² Created in 2019, the Building Commission reviews applications for Certificates of Approval which are required to move or demolish buildings and to construct main buildings, secondary buildings, and additions to main and secondary buildings. The purposes of the Building Commission review process are many, including protecting, preserving, and enhancing Nichols Hills as a place of timeless beauty with buildings constructed to the highest quality standards.³

The Building Commission gives increased scrutiny to Architectural Resources. Should an owner of an Architectural Resource wish to move or demolish it or to construct an addition to it, a Building Commission Certificate of Approval would be required. As to Architectural Resources, the Building Commission review process is intended to “encourage preservation, protection, renovation, and restoration of Architectural Resources whenever reasonably possible.”⁴ Therefore, the Building Commission gives increased scrutiny to applications for Certificates of Approval regarding Architectural Resources and to buildings near them.

Specifically, the *Nichols Hills Building Commission Building Demolition, Design, and Construction Guidelines* state:

- Architectural Resources should generally not be moved or demolished, but rather should be properly preserved, protected, renovated, and/or restored.⁵
- The potential impacts of new and remodeled buildings in the vicinity of Architectural Resources should be carefully considered in order to not detract from the site of the Architectural Resource.⁶

Note that the fact that a building is an Architectural Resource does not mean that an Application for a Certificate of Approval to move or demolish it or to construct an addition to it would never

¹ Nichols Hills City Code Sec. 50-342.

² The Building Commission process is outlined in Chapter 50, Article V of the City Code.

³ Nichols Hills City Code Sec. 50-341. Certificates of Approval are not required for building repairs that do not require a Building Permit nor for minor additions to buildings.

⁴ Nichols Hills City Code Sec. 50-344.

⁵ Guideline A-1, *Architectural Resources*.

⁶ Guideline B-1.12, *Adjacency to Architectural Resources*.

be approved—but rather, an applicant would face increased scrutiny to establish valid reasons for doing so.

The Building Commission uses certain criteria to identify Architectural Resources. The Building Commission adopted the following criteria for consideration in determining whether a particular building should be designated as an Architectural Resource. Those are:

- The building possesses character, interest or value as a visible reminder of the development and heritage of Nichols Hills.
- The building was the location of a significant local or state event.
- The building is identified with a person who, or group or event that, contributed significantly to the cultural or historical development of Nichols Hills.
- The building exemplifies a particular architectural style or building type important to Nichols Hills.
- The building is the best (or one of the best) remaining examples of an architectural style or building type in a neighborhood in Nichols Hills.
- The building is identified as the work of a person or group whose work has influenced the heritage of Nichols Hills.
- The building has value as a significant element of community sentiment or public pride.
- The building was constructed in the early stages of the development of Nichols Hills (1930s and 1940s), there have been minimal structural modifications to the building, and the building is in at least fair condition.

Having a list of designated Architectural Resources will benefit the Building Commission review process and owners of Architectural Resources. Having an official list of designated Architectural Resources will inform both the Building Commission and owners of Architectural Resources that an application for a Certificate of Approval will receive increased scrutiny. Even before going into the review process, those filing applications regarding Architectural Resources will know that they will face an increased burden of establishing why the Architectural Resource should be demolished or moved, or why an addition to it is appropriate. And the Building Commission would be able to immediately begin review of the application without having to first determine whether or not the building is an Architectural Resource, thus expediting the review process.

Further, owners of buildings in the vicinity of Architectural Resources would benefit as well because they would know to carefully consider the potential impact of removing a building or new construction near an Architectural Resource before filing an application for a Certificate of Approval to do so.

Officially designating a building as an Architectural Resource will not impose any additional requirements or obligations on its owner. The Nichols Hills City Code does not include “historic preservation” regulations as exist in some neighborhoods in Oklahoma City. The Building Commission’s efforts to officially designate and list the City’s Architectural Resources is not in any way an attempt to further regulate these important buildings.

An official designation of a building as an Architectural Resource will not increase the level of scrutiny now provided for by the City Code. Rather, as explained above, the designation would simply be a means of giving the Building Commission and building owners more clarity as to which buildings will receive such increased scrutiny in the review process in the event an owner wished to move or demolish an Architectural Resource or to construct an addition to it.

The official list of Architectural Resources will no doubt evolve over time, as owners agree to have their buildings listed. However, the fact that a building is not listed does not mean that any given building is not an Architectural Resource and as such, given increased scrutiny in the Building Commission review process. The Building Commission has the authority to determine that any building is or is not an Architectural Resource under the City Code’s definition.

If you have any questions, please feel free to contact _____.

Proposed Preliminary List of Architectural Resources in Nichols Hills, OK

- 1125 Bedford - First spec house built by Dr. Nichols
- 7199 Nichols Road - The "John A. Brown Mansion"
 - Constructed in 1929 by department store magnate John A. Brown
- 1606 W. Wilshire - The original Nichols Mansion
 - Constructed by GA Nichols in 1929
- 1800 W. Wilshire - Home of Oklahoma leaders John and Eleanor Kirkpatrick
- 7316 Nichols Rd. - Buttram Mansion, once housed the Oklahoma Museum of Art
 - Former home of Frank and Merle Buttram
 - Constructed in 1938
 - Listed in the National Register of Historic Places (NRHP) in 1990
 - Documented through Historic American Landscapes Survey (HALS), document store in the Library of Congress
- 1901 Bedford - First custom home built by GA Nichols
 - Constructed in 1929
- 1502 Camden Way - Historically significant architecture
 - Constructed in 1935
- 1606 Drury - Built by the Anderson family (APCO OIL) and still owned by the same family
- 1609 Drury - John Duncan Forsythe design built by the Rosenthal family
- 1500 Huntington - Includes "Fairy Land" gardens, unique to NH
- 1504 Huntington - Significant historical architecture