

(Published in \_\_\_\_\_ on \_\_\_\_\_, 20\_\_)

ORDINANCE NO. \_\_\_\_

AN ORDINANCE AMENDING CHAPTER 25 OF THE NICHOLS HILLS CITY CODE REGARDING DEVELOPMENT REGULATIONS IN THE "E-1" ESTATE DISTRICT AND THE "E-2" URBAN ESTATE DISTRICT; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

EMERGENCY ORDINANCE

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

Section 1. Sections 25-21 and 25-22 of the Nichols Hills City Code regarding development regulations in the "E-1" Estate District and the "E-2" Urban Estate District, are hereby amended to read as follows, with deleted language dashed through and new language underscored:

**Sec. 25-21. "E-1" Estate district.**

*25-21.010. General description.* This is an exclusive residential district of large single family homes constructed on large lots with considerable private open space and landscaping. The development regulations in this district are intended to protect these homes from encroachment by higher residential densities and incompatible land uses, while making provision for such requirements as accommodations for caretakers or service persons employed at the residence. Since these residential areas represent a significant contribution to the character and stability of the community, they merit more strict regulations for their protection.

*25-21.020. Permitted uses.*

- A. Single family dwelling.
- B. Attached quarters for household employees.
- C. Park or open space owned by the city.

*25-21.030. Conditional uses.*

A. ~~Secondary buildings~~ are not permitted in E-1. as follows:

- ~~1. A detached garage which exceeds a 650 square foot building footprint or a 20-foot building height shall be considered a secondary building.~~
- ~~2. Secondary buildings shall be subject to the development regulations for main buildings and shall be constructed of similar compatible materials.~~

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B. Accessory buildings and structures, subject to section 25-56 and the following:

1. No accessory structure shall be located in front of the main building, except fences, walls, and flag poles as permitted in this chapter.
2. No accessory building shall exceed the height of the main building.
3. Accessory buildings shall be included in the lot coverage calculations and subject to the development regulations of this district.

4. Accessory signs shall be a minimum of 10 feet from the main building.

C. Accessory signs, subject to section 25-55 and city sign regulations.

*25-21.040. Uses subject to review.*

A. Private club; which includes a country club and golf course.

B. Perimeter wall or fence which exceeds the height permitted by city regulations.

*25-21.050. Development regulations.*

A. *General:*

1. In no case shall a main or accessory building be located over a utility easement.
2. Roofs shall be permitted to overhang two feet into required yard setback areas.

B. *Front yard setback:* 70 feet from the front property line, provided that:

1. A porch as defined in this chapter shall be permitted to extend not more than 12 feet in front of the required front yard setback line.
2. A porte cochere which does not exceed 15 feet in height shall be permitted to extend not more than 15 feet in front of the front yard setback line.

C. *Side yard setback:*

1. Main building: Twenty feet, except lots abutting a street shall have a setback of 15 feet on the side abutting the street or 10% of lot frontage, whichever is greater;
2. Accessory building less than 14 feet in height: Six feet;
3. Accessory building 14 feet or more in height: Six feet, plus one foot for each full foot of additional building height greater than 14 feet;
4. Chimneys or fireplaces shall be permitted to encroach two feet into the required side yard on one side of the building only.

D. *Rear yard setback:*

1. Main building: 40 feet
2. Accessory building less than 14 feet in height: Ten feet;
3. Accessory building 14 feet or more in height: Ten feet, plus one foot for each full foot of additional building height greater than 14 feet.
4. Chimneys or fireplaces shall be permitted to encroach two feet into the required rear yard.

E. *Minimum lot size:* 70,000 square feet.

F. *Minimum lot width at front property line:* 200 feet.

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G. *Lot coverage and floor area ratio:* Maximum size and bulk of all permitted structures shall be based on the following two criteria, neither of which shall be exceeded:

1. *Lot coverage:* Shall cover no more than 30 percent of the lot area within the setback lines established in this district;
2. *Floor area ratio:* Shall not exceed .035.

H. *Maximum building height:*

1. Accessory building: 25 feet.
2. Maximum main building height is determined by creation of a building envelope using the side yard setback lines and the following formula:
  - a. Establish a parallel line 45 feet above the centroid of the structure that extends from one required side yard setback to the other;
  - b. Create a "no build" triangle-shaped area on each side of the structure envelope as follows:
    - 1) Begin at the intersection of the 45-foot maximum height plane and the required side yard setback line. Draw a line along the maximum height plane a distance of 22 feet to point "A".
    - 2) From the same point of beginning, draw a vertical line along the side yard setback plane a distance of 23 feet to point "B". This point represents the maximum permitted plate height;
    - 3) Connect points "A" and "B" to delineate a "no-build" triangle-shaped area.
    - 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 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.

3. Maximum side wall plate height to be 25 feet. From side yard, plus one foot for each full foot of additional building height greater than 25 feet.

I. *Double frontage lots:* Where a lot has double frontage, the property owner shall designate the rear lot line for purposes of constructing a perimeter fence and accessory structures. The designated rear yard shall be subject to the development regulations of this district.

J. ~~*Perimeter fences and walls:*~~ Perimeter fences and walls shall be subject to provisions of chapter 6 of the Nichols Hills Code.

#### **Sec. 25-22. "E-2" Urban estate district.**

*25-22.010. General description.* This exclusive residential district contains larger single family homes constructed on lots which are above average size and have considerable private open space in the form of building setbacks and rear yard area. The development regulations in this district are intended to protect these homes from encroachment by higher residential densities and incompatible land uses. These residential areas contain old and new homes, and it is important to protect the existing property investment and character from incompatible developments.

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25-22.020. Permitted uses.

- A. Single family dwelling.
- B. Park or open space owned by the city.

25-22.030. Conditional uses.

- A. ~~Secondary buildings are not permitted in E-2. , subject to the following:~~
  - ~~1. A detached garage which exceeds a 650 square foot building footprint or a 20 foot building height shall be considered a secondary building.~~
  - ~~2. Secondary buildings shall be subject to the development regulations for main buildings and shall be constructed of similar compatible materials.~~
- B. Accessory buildings and structures, subject to section 25-56 and the following:
  - 1. No accessory structure shall be located in front of the main building, except fences, walls, and flag poles as permitted in this chapter.
  - 2. No accessory building shall exceed the height of the main building.
  - 3. Accessory buildings shall be included in the lot coverage calculations.
  - 4. Accessory buildings shall be a minimum of 10 feet from main building.
- C. Accessory signs, subject to section 25-55 and city sign regulations.

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25-22.040. Uses subject to review.

- A. Perimeter wall or fence which exceeds the height permitted by city regulations.

25-22.050. Development regulations.

- A. General.
  - 1. In no case shall a main or accessory building be located over a utility easement.
  - 2. Roofs shall be permitted to overhang two feet into required yard setback areas.
- B. *Front yard setback:* 40 feet from the front property line, provided that:
  - 1. A porch as defined in this chapter shall be permitted to extend not more than 12 feet in front of the required front yard setback line.
  - 2. A porte cochere which does not exceed 15 feet in height shall be permitted to extend not more than 15 feet in front of the front yard setback line.
- C. *Side yard setback:*
  - 1. Main building: ~~Ten~~Fifteen feet, or 10% of lot frontage, whichever is greater, provided;
    - a) Lots abutting a street shall have a setback of 15 feet on the side abutting the street;
  - 2. Accessory building less than 14 feet in height: Six feet;
  - 3. Accessory building 14 feet or more in height: Six feet, plus one foot for each full foot of additional building height greater than 14 feet.
  - 4. Chimneys or fireplaces shall be permitted to encroach two feet into the required side yard on one side of the building only.

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D. *Rear yard setback:*

1. Main building: 2530 feet on 1<sup>st</sup> floor, and 40 feet on 2<sup>nd</sup> floor;
2. Accessory building less than 14 feet in height: Ten feet;
3. Accessory building 14 feet or more in height: Ten feet, plus one foot for each full foot of additional building height greater than 14 feet.
4. Chimneys or fireplaces shall be permitted to encroach two feet into the required rear yard.

E. *Minimum lot size:* 30,000 square feet.

F. *Minimum lot width at front property line:* 125 feet.

G. *Lot coverage and floor area ratio:* Maximum size and bulk of all permitted structures shall be based on the following two criteria, neither of which shall be exceeded:

1. *Lot coverage:* shall cover no more than 30 percent of the lot area within the setback lines established in this district;
2. *Floor area ratio:* Shall not exceed .5-0.35 or 110% of the Gross Floor Area of the Main Building existing on October 1, 2010, as determined by the records of the County Assessor of Oklahoma County as of October 1, 2010.

H. *Maximum building height:*

1. Accessory building: 25 feet;
2. Maximum main building height is determined by creation of a building envelope using the side yard setback lines and the following formula:
  - a) Establish a parallel line 35 feet above the centroid of the structure that extends from one required side yard setback to the other;
  - b) Create a "no build" triangle-shaped area on each side of the structure envelope as follows:
    - 1) 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".
    - 2) 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;
    - 3) Connect points "A" and "B" to delineate a "no-build" triangle-shaped area.
    - 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 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.

3. Maximum side wall plate height to be 25 feet. From side yard, plus one foot for each full foot of additional building height greater than 25 feet.

I. *Double frontage lots:* Where a lot has double frontage, the property owner shall designate the rear lot line for purposes of constructing a perimeter fence and accessory structures. The designated rear yard shall be subject to the development regulations of this district.

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J. ~~Perimeter fences and walls:~~ Perimeter fences and walls shall be subject to provisions of chapter 6 of the Nichols Hills Code.

Section 3. All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 4. The provisions of this ordinance are severable and if any part or provision hereof shall be adjudged invalid by any court of competent jurisdiction, such adjudication shall not affect or impair any of the remaining parts or provisions hereof.

Section 5. EMERGENCY SECTION. WHEREAS, in the judgment of the Council it is necessary for the preservation of the peace, health, welfare and safety of the City of Nichols Hills, Oklahoma, and of the inhabitants thereof that the provisions of this ordinance be put into full force and effect immediately, and therefore an emergency is hereby declared to exist by reason whereof this ordinance shall take effect and be in full force from and after its passage as provided by law.

PASSED by the Council of the City of Nichols Hills, Oklahoma, on the \_\_\_ day of \_\_\_\_\_, 20\_\_.

APPROVED by the Mayor of the City of Nichols Hills, Oklahoma, on the \_\_\_ day of \_\_\_\_\_, 20\_\_.

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

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