

Published in The Journal Record on November 22, 2019

ORDINANCE NO. 1168

AN ORDINANCE AMENDING CHAPTER 50 AND CHAPTER 8 OF THE NICHOLS HILLS CITY CODE CONCERNING THE CREATION OF A NICHOLS HILLS BUILDING COMMISSION; ESTABLISHING POWERS AND DUTIES FOR THE NICHOLS HILLS BUILDING COMMISSION; CREATING BUILDING DEMOLITION AND CONSTRUCTION GUIDELINES, CRITERIA, PROCEDURES, AND EXCEPTIONS; REPEALING ALL CONFLICTING ORDINANCES OR PARTS OF ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

EMERGENCY ORDINANCE

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

Section 1. Chapter 50 of the Nichols Hills City Code is hereby amended by adding a new Article V, with new language underlined, to wit:

Sec. 50-329—50-340. Reserved.

ARTICLE V. BUILDING COMMISSION

DIVISION 1. GENERALLY

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

(a) Certificates of Approval issued by the Building Commission are required before application may be made to move or demolish a building or to construct a main building, a secondary building or an addition to a main or secondary building. Further, the Code Official may refer applications for certain alterations to main or secondary buildings to the Building Commission for a Certificate of Approval prior to granting a building permit.

(b) Certificates of Approval are not required to apply for building permits for fences, swimming pools, or accessory buildings or structures when such proposed construction is the only work for which the building permit is sought. However, the Building Commission shall review proposals for fences, swimming pools, and accessory buildings and structures that are part of a proposed project that requires a Certificate of Approval.

(c) It is a violation of this Chapter for any person to move or demolish a building or to construct a main building, secondary building, or an addition to a main

or secondary building until a Certificate of Approval has been obtained from the Building Commission as set out in this Article.

(d) While this Article does not require submittal of any documentation prior to formal application for a Certificate of Approval, property owners are encouraged to consult with the City prior to making formal application to become familiar with the policies and requirements set forth in this Article.

Sec. 50-342. Definition.

In addition to the terms defined in Section 50-3, the following defined term when used in this Article shall have the meaning ascribed to it in this Section, except where the context clearly indicates a different meaning:

Architectural Resources means 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.

Sec. 50-343. Exceptions.

(a) A Certificate of Approval is not required for repairs to existing buildings that do not require a building permit.

(b) A Certificate of Approval is not required for building permits for buildings in Planned Unit Developments.

(c) A Certificate of Approval is not required for construction, enhancement, demolition, maintenance or repair of public improvements authorized by the City or a public trust having the City as its beneficiary.

Sec. 50-344. Purpose and intent of the building moving, demolition, design, and construction review process.

The City's building moving, demolition, design, and construction review process, requirements, and guidelines are intended to:

(a) Promote development planning in furtherance of the general descriptions and development regulations established for dwellings, churches, and commercial and office buildings in the respective Districts within the City, as described in Article II of this Chapter.

(b) Protect, preserve, and enhance the quality of the built environment by encouraging the highest standards in architectural and landscape design, building materials and workmanship, and aesthetic and proportional compatibility between new and existing buildings.

(c) Protect, preserve, and enhance the City as a place of timeless beauty, with many parks, open spaces, and well-kept beautiful residential landscapes in residential zoning districts.

(d) Encourage preservation, protection, renovation, and restoration of Architectural Resources whenever reasonably possible.

(e) Ensure that architecture and landscaping respect the privacy of adjacent properties.

(f) Ensure that consideration is given to the proportionality of proposed buildings in relation to buildings on adjacent properties.

Sec. 50-345. Building moving, demolition, and construction to be as provided in applications and plans.

Certificates of Approval issued on the basis of plans, applications, modifications, and requirements approved by the City authorize only the moving, demolition, design, and/or construction of buildings set forth in such approved plans, applications, modifications, and requirements, and no other building moving, demolition or construction.

Section 50-346. Public nuisance declared; violations and penalties.

Each and every violation of this Article is hereby declared a public nuisance and may be dealt with and abated as such. Any person maintaining such a nuisance shall be guilty of an offense, and each day upon which such nuisance continues is a separate offense.

Sec. 50-347—50-350. Reserved.

DIVISION 2. BUILDING COMMISSION

Sec. 50-351. Created.

There is hereby created within and for the City a Building Commission with the powers and duties as hereinafter set forth.

Sec. 50-352. Appointment of Commissioners; term of office; vacancies.

(a) The Building Commission shall consist of five Commissioners, two of whom shall be residents of the City. Commissioners shall be appointed by the City Council. At least two Commissioners shall be registered architects, landscape architects, urban planners, historic preservation consultants, or engineers. In addition, one of the five Commissioners shall be a general building contractor.

(b) In order to stagger the expiration of terms, the appointments of the initial Commissioners shall be for one, two or three years for each position. Thereafter appointments shall be for three years. Notwithstanding anything herein provided, the Commissioners may be removed at any time by majority vote of the City Council.

(c) Commissioners shall serve without compensation. Commissioners shall hold no other municipal office, except that one Commissioner may be a member of the Board of Adjustment.

(d) Commissioner position vacancies occurring other than through the expiration of the term of office shall be filled for the unexpired portion of the term.

(e) In the event three or more of the Building Commission positions are vacant at any time, the Planning Commission will serve as the Building Commission and have all of its powers and fulfill all of its duties.

Sec. 50-353. Organization; meetings and procedures.

(a) *Chair.* The Building Commission shall elect a chairperson and fill such other of its offices as it may determine. The term of the chairperson shall be one year, with eligibility for reelection.

(b) *Meetings.* The Building Commission shall schedule a regular monthly meeting which may be cancelled if there is no business to be brought before it. The Building Commission shall adopt rules for the transaction of business and shall keep a record of its resolutions, transactions, findings, and recommendations. This record shall be a public record. Three Commissioners shall constitute a quorum for the transaction of business. A majority vote of those members present may take action on behalf of the Building Commission.

Sec. 50-354. Building Commission powers and duties.

The Building Commission shall have the following powers and duties:

(a) Issue or refuse to issue Certificates of Approval for the moving, demolition, and construction of main or secondary buildings or additions to main or secondary buildings on property located within all zoning districts.

(b) Comment upon and provide recommendations on building moving, demolition, design, and construction review regulations, when asked to do so by such other bodies.

Sec. 50-355—50-370. Reserved.

DIVISION 3. BUILDING COMMISSION REVIEW

Sec. 50-371. Demolition and building review required.

The Building Commission shall review all applications for Certificates of Approval.

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:

(a) For moving or demolishing buildings:

- (1) A narrative explaining the desire for the proposed moving or demolition of the building.
- (2) Pictures of the subject building.
- (3) If the building is a dwelling:
 - a. Evidence of the ownership and management of the owner(s) if the owners (or any of them) is not an individual(s).
 - b. Evidence of the intended owner(s) and occupant(s) of the replacement dwelling.
 - c. Evidence of the ability of the intended owner(s) of the replacement dwelling to be able to finance its construction.
- (4) All documents required for construction of the proposed replacement building, as described below. If a replacement building is not required by this Code, a description of the intended use of the property after the building is moved or demolished is required.

(b) For construction of a new main or secondary building, or construction of an addition to an existing main or secondary building:

- (1) A narrative describing the project.
- (2) A survey, prepared by a licensed surveyor registered in this state, of the boundaries of the lot on which the building or addition to an existing main or secondary building is to be located.
- (3) Floor plans, renderings, elevation drawings, and other conceptual plans.
- (4) A plot plan, drawn to scale, showing the location of the proposed building or proposed addition to an existing main or secondary

building on the lot, all easements, setbacks, curb cuts, and driveways.

- (5) A site plan of the building or addition to an existing main or secondary building, depicting all adjacent development.
- (6) Drainage information, including grading plans.
- (7) For new main or secondary buildings, a landscaping plan 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.
- (8) For new main or secondary buildings, an exterior lighting plan. For additions to main or secondary buildings, an exterior lighting plan is required if changes to existing conditions are to be made.
- (9) For church, office, and commercial buildings, additional information may be required by the Building Commission.
- (10) For additions to buildings, pictures of the subject building(s).
- (11) Color and material samples, if applicable to the proposed work.
- (12) Drawings, images, and plans showing details of the project, including information reflecting the impact on privacy of adjacent buildings.
- (13) The name and address of the proposed general contractor for the project.
- (14) Street-level front elevation for all street-facing sides, drawn to scale, showing buildings and yards on either side of the proposed project.

(c) For all applications, a report certified by the Oklahoma County Assessor or certified by a bonded abstractor stating the names, addresses, and contact information for the owners of property within a 300-foot radius of the exterior boundary of the building proposed to be moved, demolished or constructed.

Sec. 50-373. Application fee.

A nonrefundable fee in the amount established in the City Fee Schedule must be paid to the City by the owner(s) with submission of the application for a Certificate of Approval.

Sec. 50-374. Public hearing required; notice of public hearing.

The Building Commission shall hold a public hearing regarding each Certificate of Approval. The City shall arrange for notice of the hearing to be given by publication in a newspaper of general circulation in the City and by mailing written notice by registered or certified mail not less than ten calendar days before the date of the Building Commission's hearing to the applicant and to the owners of property

within a 300-foot radius of the exterior boundary of the subject property as their names and addresses appear in the report provided by the applicant pursuant to Section 50-372. The notice of the public hearings must contain the legal description of the property on which the building to be moved, demolished or constructed is located and the street address or approximate location in the City; and the date, time, and location of the hearing.

Sec. 50-375. Continuances.

Continuances to applications for Certificates of Approval under review will not be granted where no forward progress has been demonstrated for a period of six continuous months. In that event, the application will be deemed withdrawn and resubmittal of the application for a Certificate of Approval shall be required.

Sec. 50-376. Appeal.

Appeals from the action of the Building Commission regarding Certificates of Approval may be taken to the Board of Adjustment in the same manner as appeals are taken as provided for in Division 6, *Appeals*, of this Chapter. Certificates of Approval granted by the Building Commission will not become effective until the expiration of the three-day appeal period.

Sec. 50-377. Expiration and extension of Certificates of Approval.

(a) *Expiration.* Certificates of Approval issued pursuant to this Article expire two years from the date of issuance.

(b) *Extension.* For construction of buildings subject to this Article, if construction has commenced, the Building Commission, the City Manager or his designee may grant one two-year extension prior to the expiration date of the Certificate of Approval. Extensions shall not be granted if there are any additions, revisions or deletions of any element of the project.

Sec. 50-378—50-395. Reserved.

DIVISION 4. DEMOLITION AND BUILDING REQUIREMENTS AND GUIDELINES

Sec. 50-396. Other Code requirements apply.

The building moving, demolition, and construction requirements and guidelines in this Division are in addition to other requirements of this Code.

Sec. 50-397. Building demolition, design, and construction guidelines.

The Building Commission may from time to time recommend and the City may from time to time adopt demolition, design, and construction guidelines which may be used by the Building Commission to aid in its building moving, demolition, design, and construction review responsibilities and may be used by those contemplating building moving, demolition or construction requiring a Certificate of Approval.

Section 2. Section 8-378 of the Nichols Hills City Code is amended as follows, with deleted language stricken through and new language underlined, to wit:

Sec. 8-378. Application for permit.

Persons wishing to demolish or move a building shall file a written application for a permit to do so on an application form supplied by the City Clerk. Applications must be certified by the owner(s) of the building. 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:

- (1) A Certificate of Approval issued by the Building Commission pursuant to Article V, Chapter 50.
- (~~1~~ 2) Pictures of the building.
- (~~2~~ 3) The utility company statement as required by Section 8-381.
- (~~3~~ 4) Demolition contractor or building mover information.
- (~~4~~ 5) A copy of the demolition contractor's or building mover's insurance certificates as required by Section 8-376.
- (~~5~~ 6) Proof satisfactory to the City Manager or his designee that arrangements have been made to comply with all work completion and site maintenance requirements as set out in Section 8-380.
- (~~6~~ 7) For building moving, a map showing the proposed route to be taken, as required by Section 8-382.
- (~~7~~ 8) The invoice or receipt indicating the building has been treated for rodent extermination as required by Section 8-385.
- (~~8~~ 9) Proof that all municipal and county taxes on the building and associated property are paid or satisfied and current.
- (~~9~~ 10) For demolition or moving of dwellings, as required by Section 50-129:
 - a. An approved building permit for a replacement dwelling.
 - b. Construction documents for the replacement dwelling.
 - c. Evidence of the ownership and management of the owner(s) if the owner(s) (or any of them) is not an individual(s).
 - d. Evidence of the intended owner(s) and occupant(s) of the replacement

- dwelling.
- e. Evidence of the ability of the intended owner(s) of the replacement dwelling to be able to finance its construction.
 - f. A bond, or surety or letter of credit to ensure the owner(s)' compliance with Section 50-129.

The application will be considered officially submitted and filed only after it is examined by the City Manager or his designee and found to be complete.

Section 3. Section 8-379 of the Nichols Hills City Code is amended as follows, with deleted language stricken through, to wit:

Sec. 8-379. City Manager review; issuance of permit.

The City Manager or his designee shall assess the application. A permit to move or demolish a building shall be issued by the City Manager or his designee if he finds that the applicant has complied with this Article, all other applicable provisions of this Chapter, and if the building is a dwelling, also with Section 50-129 and that such work can be safely performed. ~~Notwithstanding the foregoing, the City Manager or his designee may, in his discretion, set the application for hearing before the Planning Commission and the City Council.~~

Section 4. Section 50-129 of the Nichols Hills City Code is amended as follows, with deleted language stricken through and new language underlined, to wit:

Sec. 50-129. Demolition or moving of dwellings; construction of replacement dwellings.

(a) *General.* The demolition of dwellings in the City and the moving of dwellings from one location to another, whether that location is within the City or outside it, must comply with all applicable provisions of Chapter 8, including Article IX, *Building Moving and Demolition*, and the additional requirements set out in this Section. The definitions set out in Section 8-373 and other definitions in this chapter apply to this Section.

(b) ~~Reserved. Demolition or moving of dwellings for speculative purposes prohibited.~~ It is the intent of this Section to prohibit the demolition and moving of sound and habitable dwellings for speculative purposes. Speculative purposes include demolition or moving of a dwelling for construction of a new dwelling by any person without a written commitment from a prospective owner(s) and occupant(s) of the proposed dwelling for whom the dwelling is to be custom built using custom building plans as opposed to stock building plans. Except as provided herein, no dwelling shall be demolished or moved without an appropriate permit from the City as set out in this Section and Chapter 8, Article IX, *Building Moving and Demolition*.

(c) *Administrative approval authorized related to casualties.* Pursuant to Section 8-306, the City Manager is authorized to issue a demolition or building moving permit for demolition or moving of a dwelling that has been damaged by fire, wind, explosion, accident or other casualty to a point where city inspection

determines removal or demolition to be in the best interests of the public health, safety, and welfare.

(d) *Requirement for construction of replacement dwelling.* It is in the best interest of all residents in the City that a lot not remain vacant for an extended length of time. Therefore, unless the requirement is waived by the City Manager or his designee for good cause, applications for permits to demolish or move a dwelling will not be approved unless the owner(s) intends in good faith to build a replacement dwelling that would meet the requirements for construction of a dwelling in the applicable Residential District as set out in this Code. Owner(s) who seek a permit pursuant to subsection (c) of this Section and Section 8-306 will be given an appropriate extended length of time to provide the requirements related to the replacement dwelling.

(e) *Requirement for bond, ~~or surety or letter of credit.~~* Unless the requirement to construct a replacement dwelling is waived by the City Manager or his designee as set out in subsection (d), applications for permits to demolish or move a dwelling will not be approved until the owner(s) has filed a bond, ~~or surety or letter of credit~~ with the City Clerk. Such bond, ~~or surety or letter of credit~~ shall run in favor of the City and guarantee that the owner(s) will fully comply with all provisions of this Section. Such bond, ~~or surety or letter of credit~~ shall be in an amount equivalent to the market value of the then-existing dwelling that is proposed for demolition as established by the Oklahoma County Assessor multiplied by 0.029, then that sum multiplied by 4. In lieu of a bond, ~~or surety or letter of credit~~, the owner(s) may deposit cash in the required amount with the City Clerk. The City Clerk will hold the funds in escrow until an occupancy permit is issued for the replacement dwelling at which time the funds will be returned to the owner(s). The City may draw against the funds to satisfy the payment of any unpaid fines or penalties assessed against the owner(s) or the property. If the owner(s) fails to fulfill the obligations imposed, or breaches any such obligations, there shall be recoverable, jointly and severally, from the principal and sureties, any damages or loss suffered by the City proximately resulting from the owner(s)' failure to faithfully perform the obligations imposed by this Section. The funds will be deemed forfeited in total to the City upon the passage of four years and the owner(s)' failure to comply with this Section.

(f) *Application for permit.* Persons wishing to demolish or move a dwelling shall file a written application for a permit to do so as set out in Section 8-378. The applicant must have first obtained a Certificate of Approval from the Building Commission for the proposed demolition or building moving, as provided for in Article V of this Chapter. Applications must be certified by the owner(s) of the dwelling. The application will be considered officially submitted and filed only after it is examined by the City Manager or his designee and found to be complete.

(g) *City Manager review; issuance of permit.* The City Manager or his designee shall assess the application. A permit to demolish or move a dwelling shall be issued by the City Manager or his designee if he finds that the applicant has complied with this Section, all applicable provisions of Chapter 8, and that such work can be safely performed. ~~Notwithstanding the foregoing, the City Manager or his~~

designee may, in his discretion, set the application for hearing before the Planning Commission and the City Council.

(h) *Commencement and completion of replacement dwelling construction.* The owner(s) must cause construction of the replacement dwelling to commence within 60 days after completion of the demolition or building moving unless otherwise agreed by the City Manager or his designee. The owner(s) must thereafter cause completion of the replacement dwelling to be diligently pursued without any unreasonable or unnecessary suspension or abandonment of the construction work. Unless otherwise agreed by the City Manager or his designee, the owner(s) must obtain an occupancy permit no later than four years after the date the building permit is issued for the replacement dwelling.

(i) *Maintenance of vacant property.* After the dwelling has been demolished or moved and until construction of the replacement dwelling is complete, the site must be maintained as required by Section 8-380.

(j) *Penalties for violation; enforcement.*

(1) *Evasion of regulations prohibited.* The demolition or moving of dwellings with the intent of evading the applicable provisions of this Code, including this Section, is prohibited.

(2) *Violations are misdemeanors.* Any violation of the provisions of this Code regarding demolition or moving of dwellings, including this Section, will be deemed a misdemeanor. Appropriate actions and proceedings may be taken by law or in equity to prevent such violations, to prevent unlawful demolition and moving of dwellings, to recover damages, and to restrain, correct, or abate a violation of the provisions of this Code regarding demolition or moving of dwellings. Any person who conducts an unlawful demolition or unlawful moving of any dwelling shall be required to pay the demolition or building moving fee then in effect, multiplied by 50. Any person who knowingly violates any provision of this Section shall, upon conviction, be subject to a fine of not more than \$200.00. Each day that a violation exists shall constitute a separate and distinct offense. In addition, the owner of such site must obtain a building permit for a replacement dwelling that complies with this Section within 60 days having committed such misdemeanor.

(3) *Public nuisance.* All vacant properties from which a dwelling has been demolished or moved and on which a replacement dwelling is not being constructed as required by this Code and/or that are not maintained as required by Section 8-380 are hereby declared to be public nuisances, and they may be dealt with and abated as such. Any persons maintaining any such nuisance will be guilty of an offense, and each day upon which any such nuisance continues is a separate offense.

Section 5. Subsections (d) and (e) of Section 50-133 of the Nichols Hills City Code are amended as follows, with deleted language stricken through and new language underlined, to wit:

Sec. 50-133. Landscaping.

(d) *General landscape requirements for multiple-family, commercial, church, special and general zoning districts.* All new construction shall include landscaping as an integral part of its design to compliment the natural environment and existing improvements contributing to the quality of life of the community. In particular, all multiple-family, commercial, church, and institutional, uses shall be landscaped with trees, ornamental shrubs, and green areas according to the following standards:

- (1) *Required area.* 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 shall be landscaped. At least 75 percent of the required landscape area shall be in the front or side yards and visible from a street providing access to the property. Inner courts not visible from a street shall not be calculated for the purposes of meeting this requirement.
- (2) *Landscape plan and materials requirement.* For all development other than one- and two-family residential uses, an application for a Certificate of Approval from the Building Commission and for a building permit shall be accompanied by a detailed landscaping plan, prepared by a landscape architect as defined herein.
 - a. Said plan shall contain the following at a minimum:
 1. The location and types of all plants.
 2. Provision for a live tree, having a minimum planted height of seven feet, for every 500 square feet of area required to be landscaped.
 3. Artificial grass or any form of synthetic plant is prohibited.
 4. Hardscape, such as rock gardens or sculptures may be approved, but the use of gravel or chat as ground cover shall not meet the requirements of this Section.
 5. Identification of sight triangles at intersections and all other elements related to traffic control.
 6. Irrigation system plan and specifications.
 - b. The landscape plan shall be reviewed as a part of the Certificate of Approval and the building permit review process. No Certificate of Approval shall be issued until the landscape plan has been reviewed and approved and a Certificate of Approval issued by the Building Commission. No building permit shall be issued until the landscape plan has been reviewed, approved, and made a part of the building permit file.
- (3) *Landscaping installation required for occupancy.* A certificate of occupancy for a structure or use shall not be issued 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 this case, a future inspection date shall be set by the City to determine that the landscaping has been installed for issuance of a permanent certificate of occupancy.

(e) *Landscaping requirements for all one- and two-family residences regardless of zoning district.*

(1) *Planting plans required.* A planting plan shall be required as a part of the following permit applications:

- a. Certificate of Approval applications for construction of a main or secondary building or construction of an addition to a main or secondary building.
- ab. Building permit application for new construction of individual single-family or two-family homes, including rebuild after a tear down;
- bc. Building permit application for addition to a structure that expands the footprint;
- ed. Addition to or modification of driveways or hardscape on that part of a lot abutting a street right-of-way;
- de. Rear yard addition as described in subsection (e)(6) of this Section.

(2) *Residential planned unit development or development containing two or more single-family homes or duplexes.* A landscape plan, prepared by a landscape architect in accordance with subsection (d) of this Section, shall be required for:

- a. All residential planned unit developments;
- b. Any development, subdivision plat, or lot split creating building sites for two or more single-family or two-family structures.

Said 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.

(3) *Tree planting requirements.* In addition to the requirements contained in this Section, one- and two-family residences shall have a minimum of one two-inch caliper tree per lot, and not less than one tree for every 75 feet of street frontage, including the exterior side yard on corner lots. Said trees shall be located in the yard areas immediately abutting the street or streets; or, in the case of the side yard, not screened by a sight-proof fence.

- (4) *Front yard landscape area requirements.* The area between the curb and the lot line shall be treated as landscape area. No hardscape shall be permitted other than a maximum of two entrance drives and a City-provided sidewalk. A circular drive shall not encroach on the right-of-way except at the two street access points.
- (5) *Landscape area requirements for a side yard abutting a street.* The area between the curb and the lot line shall be treated as landscape area.
- (6) *Landscaping for rear yard structure additions.* The property owner of a one- or two-family residence, or his representative, applying for a Certificate of Approval or a building permit to construct an accessory building or house extension in the rear yard that is within public view, shall submit a landscape buffer plan for the area between the structure and the abutting property lines showing landscape treatment of the structure that will mitigate its visual impact on the abutting properties.

Section 6. Section 50-188 of the Nichols Hills City Code is hereby amended, with new language underlined, to wit:

Sec. 50-188. Building Permits.

(a) *Application.* The City shall examine or cause to be examined all applications for building permits and amendments thereto within a reasonable period of time after filing. If the application or construction documents do not meet the requirements of the City, the application shall be rejected, in writing, stating the reasons therefor. If the City requirements have been met, the City shall issue a building permit as soon as practicable.

(b) *Requirements.* A building permit shall be required:

- (1) Whenever required by the International Building Code, the International Residential Code, the International Mechanical Code, the International Plumbing Code, the International Existing Building Code, and/or the International Fuel Gas Code, each as applicable and each as modified and adopted by the City in Chapter 8, including whenever any building is to be constructed, moved, or altered structurally;
- (2) Whenever a parking lot is to be constructed or have access points or loading/unloading spaces changed;
- (3) Whenever a change in drainage is proposed.

(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.*

- a. A survey, prepared by a licensed surveyor registered in the state, of the boundaries of the lot on which the improvement is to be located; provided that no survey shall be required for the location of a permitted portable accessory building.
- b. Two complete sets of construction plans.
- c. A plot plan, drawn to scale, showing the location of the structure on the lot, all easements, setbacks, curb cuts, and driveways. Every dwelling shall have direct access to either a dedicated public street or an approved private street that has been constructed to the minimum standards established by the City.
- d. Drainage information, including grading plans, to show that stormwater will be directed to the street, to an improved drainage structure in a recorded easement, or to natural drainage mains at the rear or side of the lot, if requested by the City.
- e. A planting plan showing conformance with the landscaping requirements of this Chapter.

(2) *For multifamily (three or more), commercial, and public buildings, and all public and private institutional development.*

- a. A survey, prepared by a licensed surveyor in the state, of the boundaries of the lot on which the improvement is proposed to be located.
- b. Two complete sets of construction plans, including structural, civil, mechanical, electrical, and fire protection plans, prepared in accordance with applicable City codes and ordinances.
- c. Two copies of a plot plan, drawn to scale, showing the following information on one or more sheets:
 1. The exact size, shape, and dimensions of the lots proposed to be built on, with a notation of the total square feet of lot area.
 2. The exact size and location on the lot of all existing buildings and structures, and the exact size and location

on the lot of any building or structure proposed to be repaired, altered, or moved.

3. A declaration of the existing and intended use of each existing or proposed building or structure on the lot, and, if possible, the number of families or dwelling units which each existing and proposed building or structure is designed to accommodate.
4. Adjacent street and alley rights-of-way, showing curb cuts or proposed points of ingress and egress, and dimensions of driveways. Every dwelling unit shall have direct access to either a dedicated public street or an approved private street that has been constructed to the minimum standards established by the City.
5. A landscaping plan showing conformance with the landscaping requirements of this Chapter.
6. Vehicle parking and loading areas, including the delineation of all aisle widths, and specifications for depth and type of paving.
7. Location of walkways and steps, including all information necessary to show conformance with access requirements for disabled persons.
8. A drainage plan, showing the size and location of existing and proposed stormwater structures, flood plain area if applicable, topographic contours at two-foot intervals, and proposed grading plans to direct stormwater to the street, to a drainage structure in a recorded easement, or to natural drainage mains at the rear or side of the lot. The City may require that stormwater detention be provided.
9. Location, dimensions, and type of all easements situated on or adjoining the property.
10. Front, side, and rear yard setbacks, illustrated in feet.
11. Location of exterior lighting, screening, open space, and solid waste collection methods.
12. Location and size of existing or proposed utility services.
13. Persons performing parking lot and driveway resurfacing and restriping shall not be required to submit the full list included above, but shall be required to submit satisfactory information to verify the proper handling of drainage, that the number of parking spaces will not be reduced below the minimum standards established by the City, and that the landscaping requirements of this

Chapter have been met or will be met prior to completion of the improvements.

(d) *Expiration and limitations.* All building permits shall be issued subject to expiration and modification under the following conditions:

- (1) Any building permit issued pursuant to this Chapter shall become invalid if the authorized work is not commenced within six months from the date of issuance. The building permit may be extended by the City prior to expiration.
- (2) Such permit shall also expire and become invalid if such authorized work is suspended or abandoned for a period in excess of 30 days. Thereafter, a new building permit will be required.

(e) *Certificate of Approval.* In all instances for which Article V of Chapter 50 of this Code requires a Certificate of Approval, a Certificate of Approval shall be required before a building permit may be issued.

Section 7. Chapter 3 of the Nichols Hills Code, *City Fee Schedule*, Section 3-3, *Fee Schedule*, is hereby amended, as to the following fee, with new language underlined, to wit:

Chapter 50. Zoning.

Building Commission Certificate of Approval\$750.00

Section 8. All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 9. 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 10. This ordinance shall be effective on December 1, 2019.

Section 11. 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 19th day of November, 2019.

APPROVED by the Mayor of the City of Nichols Hills, Oklahoma, on the 19th day of November, 2019.

ATTEST:

Steven J. Goetzinger
Mayor

Amanda Copeland
City Clerk

Reviewed as to Form and Legality:

John Michael Williams
City Attorney