



CITY OF NICHOLS HILLS, OKLAHOMA
Building Commission Review
Information and Checklist

This is to provide information about the Nichols Hills Building Commission review process and Certificates of Approval required for certain projects related to buildings. Applicants for Certificates of Approval in Nichols Hills are strongly encouraged to consult the *Nichols Hills Building Commission Building Demolition, Design, and Construction Guidelines* (the “**Guidelines**”); Article V, *Building Commission*, in Chapter 50, *Zoning*, of the Nichols Hills City Code (the “**Code**”); and the Code provisions applicable to the proposed project. Section references below are references to Sections in the Code.

For what projects are Certificates of Approval from the Building Commission required? Section 50-341 requires Building Commission review and its issuance of a Certificate of Approval to:

- Move a building
- Demolish a building
- Construct a main building or a secondary building
- Construct an addition to an existing main building or secondary building; “addition” defined by the Code as “an extension or increase in floor area or height of an existing building”

In addition, “alterations” to main buildings and secondary buildings require Certificates of Approval when the Code Official so determines during the building permit process.

Note that requests for Certificates of Approval for “architectural resources” require additional scrutiny. “Architectural resources” are defined by Section 50-342 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.”

What construction projects are exempt from the Building Commission review process? Certificates of Approval are not required for:

- Minor additions to the first floors of main buildings – Sec. 50-341(b)
- Building permits for fences, swimming pools, and accessory buildings or structures when such is the only work for which the building permit is sought – Sec. 50-341(c)
- Repairs to existing buildings when such repairs do not require a building permit – Sec. 50-343
- Construction in a Planned Unit Development – Sec. 50-343
- Construction of public improvements – Sec. 50-343

Potential for liability if the process is not followed. Moving, demolishing, and constructing a main or secondary building or an addition to a main or secondary building without a Certificate of Approval from the Building Commission is deemed to be a public nuisance and may be abated by the City as such, with each day the offense continues being a separate offense. Sec. 50-346.

The Building Commission and its review process.

- The Building Commission is comprised of five Commissioners, each appointed by the City Council. At any given time, at least two Commissioners are registered architects, landscape architects, urban planners, historic preservation consultants or engineers, and at least one is a general building contractor.

- The Building Commission administers the building moving, demolition, design, and construction review process. In doing so, it reviews applications for Certificates of Approval for proposed moving and demolition of buildings, construction of new main and secondary buildings, and construction of additions to existing main and secondary buildings. If it approves a proposed project, the Building Commission will issue a Certificate of Approval.
- The Building Commission determines whether proposed projects comply with the City’s building moving, demolition, design, and construction requirements and guidelines as set out in Sec. 50-344 of the Code and whether proposed projects generally comply with the Guidelines. The Building Commission does not determine whether a proposed project complies with other provisions of the Code, such as the building requirements set out in Chapter 8 of the Code—determining such Code compliance is part of the building permit process.
- The Guidelines set out the City’s guidelines regarding building moving and demolition and building design and construction, which is comprised of guidelines regarding:
 - site design
 - compatibility with the regulations applicable to the District in which the project is located
 - proportionality: volume, bulk, massing, scale, and proportion
 - quality of materials and workmanship
 - architectural style
 - architectural features, materials, and color
 - privacy
 - landscaping
- Applications for Certificates of Approval are heard by the Building Commission at monthly public hearings for which public notice will be given.
- Certificates of Approval are required before an application to move or demolish a building or to construct a main or secondary building or addition to a main or secondary building may be filed with the City Clerk.
- Once issued, Certificates of Approval expire two years from the date issued unless properly extended.

The Certificate of Approval application process.

- ***Staff Meeting Required.*** To begin the Certificate of Approval application process, applicants must first attend a meeting with City staff (the “Staff Meeting.”) Staff Meetings will take place at predetermined times. One or more Building Commissioners (but less than a quorum) will attend each Staff meeting.

The purpose of the Staff Meeting is to provide information to applicants regarding the application process and the Guidelines that are used by the Building Commissioners to evaluate applications. The City staff will discuss the required submissions, and applicants will be able to ask questions of City staff and the Building Commissioners present. Applicants are encouraged to also have their contractors attend the Staff Meeting.

Applicants should note that any discussions had at the Staff Meeting are not binding on the Building Commissioners’ decisions at the public hearing. However, the Staff Meeting can be a valuable tool for applicants, potentially saving time and money, during the review process.

- ***Application form.*** Following the Staff Meeting, applicants must file a written application using the application form available from the City Clerk and pay the application fee.

- **Application attachments.** As set out in Sec. 50-372, applications must include:
 - Narrative.** A narrative describing the project. For moving or demolishing buildings, a narrative explaining the desire for the proposed moving or demolition.
 - Contractor.** The name and address of the proposed contractor(s), both demolition and construction, as applicable. Note that contractor(s) must meet the City’s licensing and bonding requirements.
 - Ownership list.** Report certified by the Oklahoma County Assessor or a bonded abstractor stating the names and mailing addresses for the owner(s) of record whose property is within a 300-foot radius of the exterior boundary of the proposed project, such radius to be extended by increments of 100 linear feet until the list of property owners includes not less than ten individual property owners of separate parcels.
 - Survey.** For construction projects, a survey of the boundaries of the property, as further described in Sec. 50-372(b).
 - Detailed project plans.** The following as applicable and as further described in Sec. 50-372(b)(3), (4), and (8):
 - Floor plans
 - Renderings
 - Elevation drawings
 - Other pertinent drawings
 - Plot plan, drawn to scale showing the location of the proposed project on the lot and all easements, setbacks, curb cuts, and driveway
 - Exterior lighting plan (Lighting plans are required for all new main or secondary buildings and are required for additions if changes to existing conditions are to be made.)
 - Site Plan.** Site plan depicting centroid elevation and all adjacent development
 - Landscape plan.** Landscape plan meeting the requirements and the required number of landscape points as set out in Section B-8 of the Guidelines.
 - Drainage information.**
 - All applicable information regarding how the project could affect drainage, including a drainage and grading plan
 - A certification from the engineer who prepared the drainage plan that the proposed construction: (1) does not change the point of stormwater discharge; (2) does not change the stormwater drainage from sheet flow to point discharge; and (3) does not increase the capacity of drainage pipes

Or, if the engineer cannot certify that (1) through (3) above are true, written consent to such circumstances from all affected adjacent property owners

Further, the applicant must show the following, as applicable:

(1) Zero increase in impervious surface area. If the increase in impervious surface area (defined below) from the existing lot configuration to the proposed lot configuration is equal to or less than zero square feet, the applicant must provide a site plan showing the impervious area square footage of both the current site and the proposed site, with clear dimensions such that the square footage of impervious surface area is verifiable. The site plan must also show grading contours and flow arrows indicating the lot's topography.

(2) Increase in impervious surface area greater than zero square feet. If the increase in impervious surface area from the existing lot configuration to the proposed lot configuration is greater than zero square feet, the applicant must provide a site drainage plan, signed and sealed by a registered professional civil engineer, that delineates existing and proposed storm water runoff patterns. The site plan must also show grading contours and flow arrows indicating the lot's topography. If the site plan indicates an increase in stormwater runoff onto adjacent property, the applicant must also provide:

(a) site drainage calculations, signed and sealed by a registered professional civil engineer, showing the 100-year stormwater runoff for the historical and proposed layouts in all directions that affect adjacent properties; and

(b) a site plan indicating the proposed efforts to be taken to direct stormwater to the street and/or storm sewer system and away from adjacent properties, such as yard drains and gutters. Any increase in point flows will not be permitted.

See Sec. 50-372 of the Nichols Hills City Code for the definition of "impervious surface."

Color and material samples. If available and if applicable, color and material samples for all building materials. Note that if color samples are not now available, the Building Commission may condition issuance of a Certificate of Approval on its receipt of such color samples at a later date or assurance from the applicant as to what such colors will be.

Impact on privacy.

Drawings, images, and plans showing details of the project reflecting the impact on privacy of adjacent buildings

A written statement how the project is generally consistent or is inconsistent with the privacy guidelines set out in Section B-7 of the Guidelines (encouraged but not required)

Contact information for neighbors for review of privacy issues, if applicable

Date Received: _____

Initials: _____

Proportionality. Street-level front elevation for all street-facing sides, drawn to scale, showing buildings and yards on either side of the proposed project.

Pictures. For moving, demolishing or constructing additions to existing buildings, pictures of all sides of the existing building.

Evidence required regarding replacement dwellings (for projects proposing to move or demolish a dwelling)

Evidence of the ownership and management of the dwelling owner(s) if the owner(s) or any of them is not an individual

Evidence of the intended owner(s) and occupant(s) of the replacement dwelling

Evidence of the ability of the intended owner(s) to be able to finance construction of the replacement dwelling

Additional documents. Any documents that could be helpful to the Building Commission in its review. Note that the Building Commission may require additional information during its review.

- **Review of recorded plat and other restrictions is required.** Nichols Hill is subdivided into 16 platted subdivisions. Most of those subdivisions are subject to plat restrictions and declarations of covenants and restrictions that are filed of record in Oklahoma County. Such restrictions may be more restrictive than the regulations contained in the Code or in the Guidelines. By filing an Application, applicant will be attesting that applicant has reviewed all such plat restrictions and declarations of covenants and restrictions and that, to the best of applicant's knowledge, the proposed project is or is not consistent with any such restrictions.
- **Review of the Guidelines is encouraged.** The Building Commission will review each Application for general conformance (as applicable to the particular project) with the Guidelines. It is highly recommended that applicant and its architect and/or general contractor review the Guidelines in preparing an application.
- **Public hearing date set.** The City Clerk will then set the application for public hearing before the Building Commission.
- **Notice of the hearing.** Applicants and property owners within the radius of the proposed project as described by the Code will be notified of the hearing by registered or certified mail.
- **Attendance at the hearing.** The applicant should attend that hearing and be prepared to speak about the proposed project and answer any questions posed by the Building Commissioners. It is advisable for the applicant's architect and/or contractor to attend the hearing as well.
- **Other permits required.** If approved, the applicant may proceed with an application for a building moving, building demolition permit or building permit, as applicable.
- **Appeal right.** If denied, an appeal may be taken to the Board of Adjustment.