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ORDINANCE NO. 1224

AN ORDINANCE REGARDING MAXIMUM BUILDING HEIGHT AND AMENDING CHAPTER 50 OF THE NICHOLS HILLS CITY CODE REGARDING THE NO-BUILD VERTICAL ENVELOPES FOR THE E-1 ESTATE DISTRICT, THE E-2 URBAN ESTATE DISTRICT, THE R-1-75 SINGLE-FAMILY RESIDENTIAL DISTRICT, AND THE R-1-60 SINGLE-FAMILY RESIDENTIAL DISTRICT; 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 50-3 of the Nichols Hills City Code is hereby amended, with new language underlined, to wit:

Sec. 50-3. Definitions.

The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

No-Build Vertical Envelope means that portion of a Building adjacent to the Side Yard Property Line where construction is not permitted by the District Regulations applicable for the Building. The No-Build Vertical Envelope for each of the E-1 Estate District, the E-2 Urban Estate District, the R-1-75 Single-Family Residential District, and the R-1-60 Single-Family Residential District is set out in the District Regulations applicable to each District.

[The depictions included with this definition are stricken.]

Property Line means the line marking the boundary between any Street and the Lots or property abutting thereon as determined by the legal description of the Property and the records of the County Clerk.

Section 2. Section 50-47 of the Nichols Hills City Code is hereby amended, with deleted language stricken through and new language underlined, to wit:

Sec. 50-47. E-1 Estate District.

(e) *Development regulations.*

(8) *Maximum Building height.*

b. Maximum Main Building height is 45 feet.

~~Maximum Main Building height is determined by creation of a No-Build Vertical Envelope using the Side Yard Setback lines and the following formula:~~

- ~~1. Establish a parallel line 45 feet above the Centroid of the structure that extends from one required Side Yard Setback to the other.~~
- ~~2. Create a No-Build Vertical Envelope on each side of the structure envelope as follows:
 - ~~(i) 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."~~
 - ~~(ii) 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.~~
 - ~~(iii) Connect points "A" and "B" to delineate a "no-build" triangle-shaped area.~~
 - ~~(iv) On a sidewall or roof section that faces a Side Yard, a gable or dormers may be added that do not exceed 20 percent of the length of the sidewall measured at finished floor level. The dormer or gable length will be measured at the 22 foot plate height level. Example: a 60-foot long side wall may~~~~

have a dormer or gable that measures 12 feet long at the 22 foot plate height level.

- e. ~~Maximum side wall plate height to be 25 feet, plus one additional foot of height for each full foot of setback provided in addition to the Side Yard Setback required by this Section.~~

Section 3. Section 50-48 of the Nichols Hills City Code is hereby amended, with deleted language stricken through and new language underlined, to wit:

Sec. 50-48. E-2 Urban Estate District.

- (e) *Development regulations.*

- (8) *Maximum Building height.*

- b. Maximum Main Building height is 35 feet, ~~determined by creation of a No-Build Vertical Envelope using the Side Yard Setback lines and the following formula:~~

1. ~~Establish a parallel line 35 feet above the Centroid of the structure that extends from one required Side Yard Setback to the other.~~
2. ~~Create a No-Build Vertical Envelope on each side of the structure envelope as follows:~~
 - (i) ~~Begin at the intersection of the 35-foot maximum height plane and the required Side Yard Setback line. Draw a line along the maximum height plane a distance of 12 feet to point "A."~~
 - (ii) ~~From the same point of beginning, draw a vertical line along the Side Yard Setback plane a distance of 13 feet to point "B." This point represents the maximum permitted plate height.~~

(iii) ~~Connect points “A” and “B” to delineate a “no-build” triangle-shaped area.~~

(iv) ~~On a sidewall or roof section that faces a Side Yard, a gable or dormers may be added that do not exceed 20 percent of the length of the sidewall measured at finished floor level. The dormer or gable length will be measured at the 22-foot plate height level. Example: a 60-foot long side wall may have a dormer or gable that measures 12 feet long at the 22-foot plate height level.~~

e. ~~Maximum side wall plate height to be 25 feet, plus one additional foot of height for each full foot of setback provided in addition to the Side Yard Setback required by this Section.~~

(9) No-Build Vertical Envelopes.

a. No Step-Back required where Main Building is set back 20 feet or more. Where the Main Building is set back 20 feet or more from the side Property Line, a No-Build Vertical Envelope is not required.

b. Single Step-back required where Main Building is set back less than 20 feet. Where the Main Building is set back less than 20 feet from the side Property Line, the Main Building must have a single step-back No Build Vertical Envelope.

1. Determining the No-Build Vertical Envelope. Where the Main Building is set back less than 20 feet from the side Property Line, no portion of a Main Building is permitted within a No-Build Vertical Envelope. Specifically, that side of a Building must have a single step-back No-Build Vertical Envelope, the size and location of which are determined as follows:

i. Establish the point at which the Building is set back, at the Centroid level, then move vertically up 22 feet to point “A.”

ii. At point “A,” a 45-degree angle will be drawn to the point where it intersects a horizontal line drawn at the maximum Building height. This point will be point “B.”

iii. Connect points “A” and “B” to delineate a No-Build Vertical Envelope on that side of the Building.

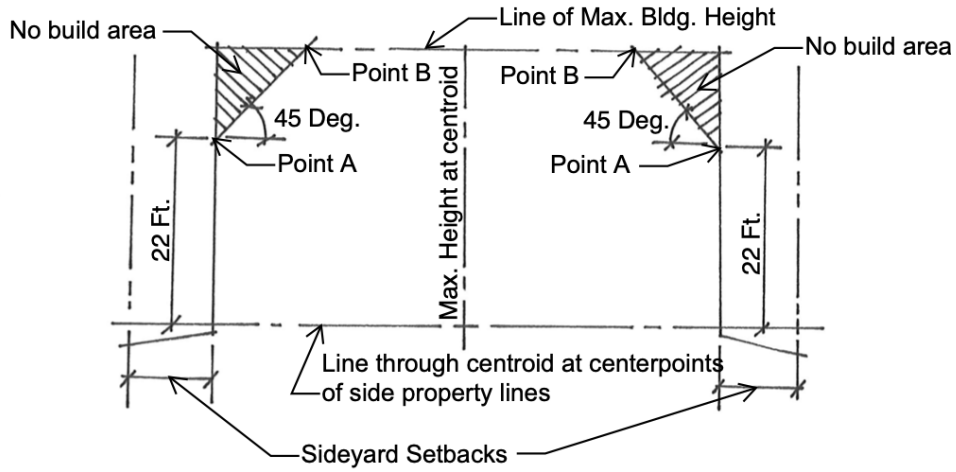
2. Exceptions for Side Yard gables and dormers. On a sidewall or roof section that faces a Side Yard, a gable or dormers may be

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.

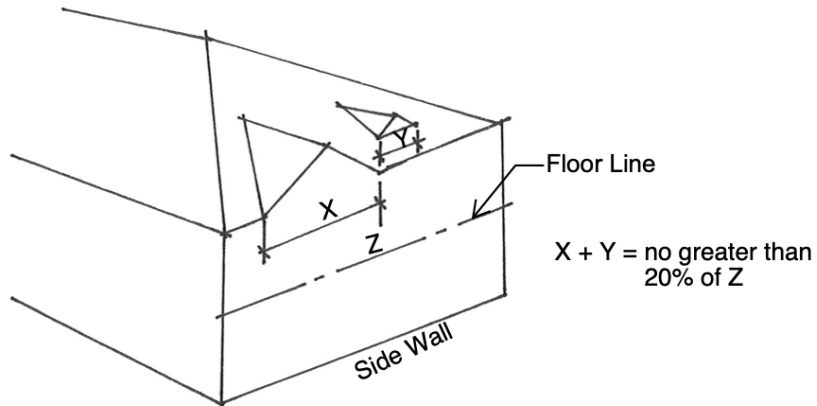
Example: a 60-foot-long side wall may have a dormer or gable that measures 12 feet long at the 22-foot plate height level.

3. *Depiction.* The single step-back No-Build Vertical Envelope required where the Main Building is set back less than 20 feet from the side Property Line in the E-2 Urban Estate District and the exceptions to it are depicted as follows:

Single Stepback No Build Vertical Envelope



No Build Vertical Envelope



Exception to No Build Vertical Envelope

~~(9-10)~~ *Aggregate Lots and combined Lots with frontage on two non-intersecting streets.*

~~(10 11)~~ *Perimeter fences and walls.*

Section 4. Section 50-49 of the Nichols Hills City Code is hereby amended, with deleted language stricken through and new language underlined, to wit:

Sec. 50-49. R-1-75 Single-Family Residential District.

(e) *Development regulations.*

(8) *Maximum Building height.*

- b. ~~No build envelope. No Accessory Building is permitted within “no build” areas created as follows:~~
 - 1. ~~Establish a point at the side, and rear yard setbacks, at the finished floor level then move vertically up ten feet to points “A.”~~
 - 2. ~~At points “A” a 45 degree angle will be drawn to the point where it intersects with the maximum building height which is point “B.”~~
 - 3. ~~Connect points “A” and “B” to delineate a “no build” area on every side of the structure.~~

- e. Maximum building height is determined by the width of the Lot at the front Property Setback Lines as follows:
 - 1. Lots with less than 100-foot frontage at the front Property Setback Line will have a 31-foot maximum height level.
 - 2. Lots with 100-foot frontage or greater but less than or equal to 125 feet at the front Property Setback Line will have a 32-foot maximum height level.

3. Lots greater than 125 feet at the front of the Property Setback Line will have a 33-foot maximum height level.
 4. No Main Building shall exceed 16 feet in height within 40 feet of the rear ~~Lot~~ Property Line except on corner Lots.
- d. ~~*No-Build Vertical Envelope.*~~ No Main Building is permitted within “no build” areas created as follows: Create a “no build” area on each side of the structure as follows:
1. Establish a point at the Side Yard Setback, at the Centroid level, then move vertically up 22 feet to point “A”.
 2. At point “A” a 45-degree angle will be drawn to the point where it intersects with the maximum Building height, which is point “B.”
 3. Connect points “A” and “B” to delineate a “no build” area on each side of the structure.
 4. On a sidewall or roof section that faces a Side Yard, a gable or dormers may be added that do not exceed 20 percent of the length of the sidewall measured at finished floor level. The dormer or gable length will be measured at the plate height level. Example: a 60-foot long side wall may have a dormer or gable that measures 12 feet long at the plate height level.

(9) *No-Build Vertical Envelopes.*

- a. *Single Step-Back required where Main Building is set back 15 feet or more.* Where the Main Building is set back 15 feet or more from the side Property Line, the Main Building must have a single step-back No Build Vertical Envelope.
1. *Determining the No-Build Vertical Envelope.* Where the Main Building is set back 15 feet or more from the side Property Line, no portion of a Main Building is permitted within a No-Build Vertical Envelope. Specifically, that side of a Building must have a single step-back No-Build Vertical Envelope, the size and location of which are determined as follows:
 - i. Establish the point at which the Building is set back, at the Centroid level, then move vertically up 22 feet to point “A.”
 - ii. At point “A,” a 45-degree angle will be drawn to the point where it intersects a horizontal line drawn at the maximum Building height. This point will be point “B.”

iii. Connect points “A” and “B” to delineate a No-Build Vertical Envelope on that side of the Building.

2. Exceptions for Side Yard gables and dormers. 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. Depiction. The single step-back No-Build Vertical Envelope required where the Main Building is set back 15 feet or more from the side Property Line in the R-1-75 Residential District and the exceptions to it are depicted in subsection (c).

b. Double Step-Back required where Main Building is set back less than 15 feet. Where the Main Building is set back less than 15 feet from the side Property Line, the Main Building must have a double step-back No Build Vertical Envelope.

(1) Determining the No-Build Vertical Envelope. Where the Main Building is set back less than 15 feet from the side Property Line, no portion of a Main Building is permitted within a No-Build Vertical Envelope. Specifically, that side of a Building must have a double step-back No-Build Vertical Envelope, the size and location of which are determined as follows:

i. Establish the point at which the Building is set back, at the Centroid level, then move vertically up 12 feet to point “A.”

ii. At point “A,” a 45-degree angle will be drawn to the point where it intersects a vertical line offset from the point at which the Building is set back, a distance of six feet. This point will be point “B.”

iii. From point “B,” extend vertically four feet. This point will be point “C.”

iv. At point “C,” a 45-degree angle will be drawn to the point where it intersects with the maximum Building height, which will be point “D.”

v. Connect points “A,” “B,” “C,” and “D” to delineate a No-Build Vertical Envelope on that side of the Building.

(2) Exceptions for Side Yard gables and dormers. On a sidewall or roof section that faces a Side Yard, the No-Build Vertical Envelope does not limit the length of wall that: (1) does not exceed 20 percent of the length of the sidewall where the Building is constructed not less than seven feet six inches from the side Property Line; (2) does not exceed 30 percent of the length of the sidewall where the Building is constructed not less than ten feet from the side Property Line; or (3) does not exceed 40 percent of the length of the sidewall where the Building is constructed not less than 12 feet from the side Property Line. The length of the sidewall will be measured at the finished floor level.

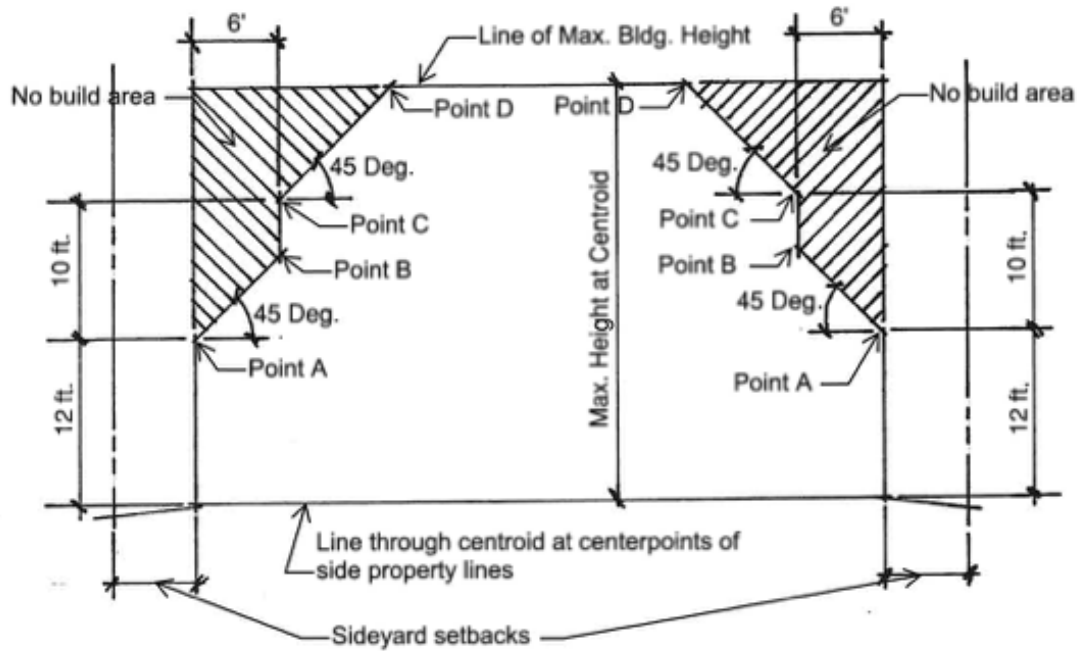
Example: A 60-foot-long side wall may have a length of wall with no limit from the No-Build Vertical Envelope that measures 18 feet long if the Building is ten feet from the Property Line.

(3) Exception for single-story gable walls. There will not be a No-Build Vertical Envelope on a single-story gable wall with a maximum plate line height of 12 feet.

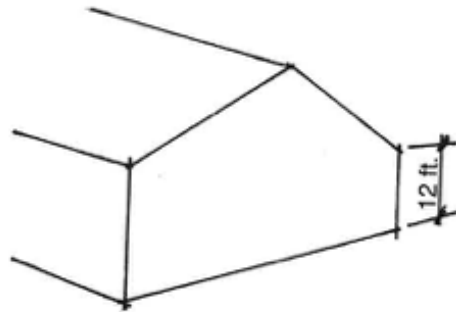
(4) Depiction. The double step-back No-Build Vertical Envelope required where the Main Building is set back less than 15 feet from the side Property Line in the R-1-75 Single Family Residential District and the exceptions to it are depicted in subsection (c).

c. The No-Build Vertical Envelope requirements in the R-1-75 Single Family Residential District and the exceptions to them are depicted as follows:

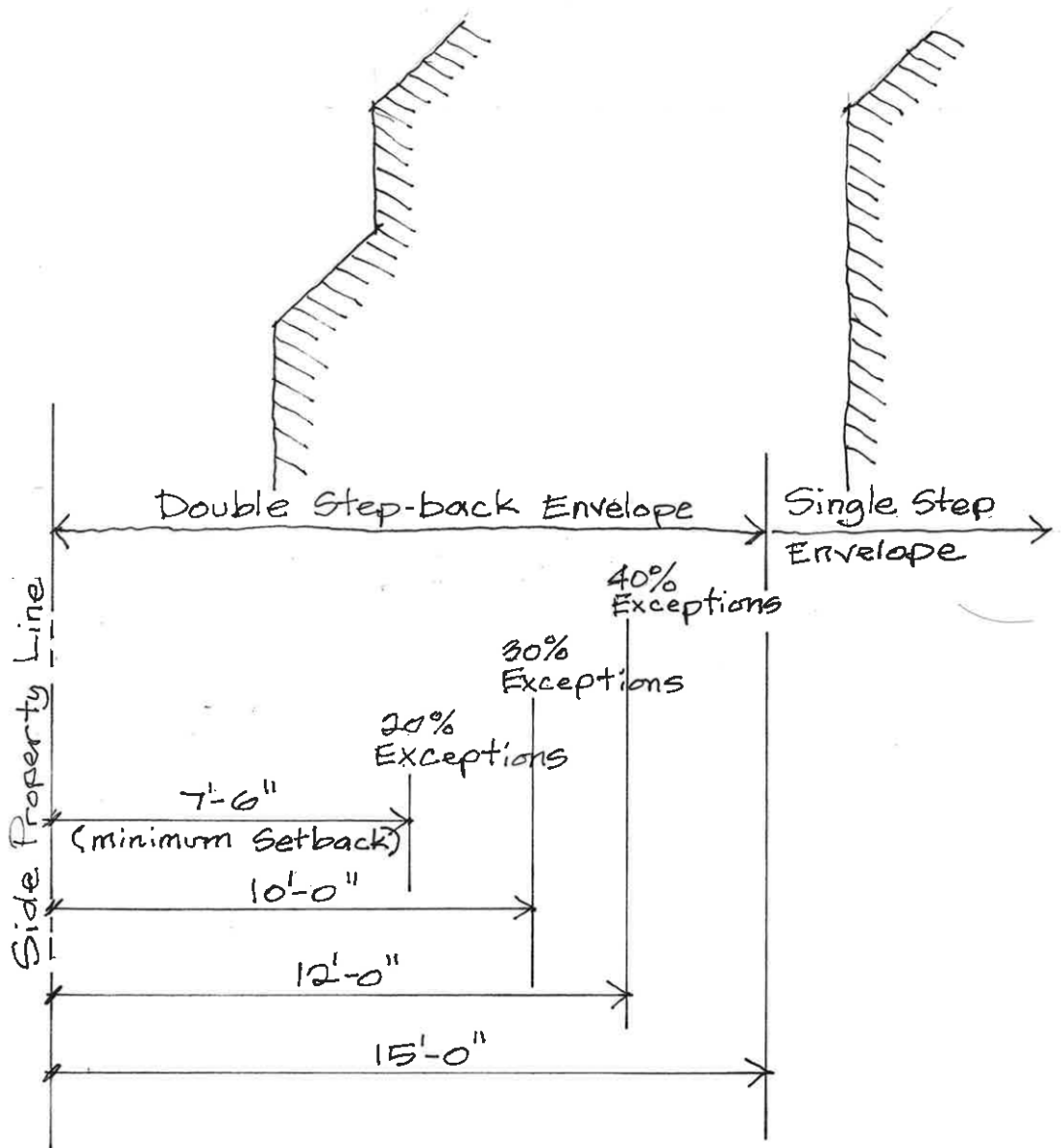
Double Stepback No Build Vertical Envelope R-1-75 District



No Build Vertical Envelope



Exception to No Build Vertical Envelope



R-1-75 Setback Depictions

(9 10) *Aggregate Lots and combined Lots with frontage on two non-intersecting streets.*

(~~10~~ 11) *Second story decks or patios.*

(~~11~~ 12) *Combined Lots.*

(~~12~~ 13) *Separation of Accessory Buildings from Main Building.*

Section 5. Section 50-50 of the Nichols Hills City Code is hereby amended, with deleted language stricken through and new language underlined, to wit:

Sec. 50-50. R-1-60 Single-Family Residential District.

(e) *Development regulations.*

(8) *Maximum Building height.*

b. ~~No build envelope. No Accessory Building is permitted within “no build” areas created as follows:~~

1. ~~Establish a point at the side, and rear yard setbacks, at the finished floor level then move vertically up ten feet to points “A.”~~
2. ~~At points “A” a 45 degree angle will be drawn to the point where it intersects with the maximum building height which is point “B.”~~
3. ~~Connect points “A” and “B” to delineate a “no build” area on every side of the structure.~~

e. Main Building. ~~Maximum Main Building height is determined by the width of the Lot at the front Property Line as follows:~~

1. Maximum Main Building Height is 30 feet.
 2. No Main Building shall exceed 16 feet in height within 40 feet of the rear ~~Lot Line~~ Property Line except on corner lots.
- d. ~~*No-Build Vertical Envelope.*~~ ~~No Main Building is permitted within “no build” areas created as follows: Create a “no build” area on each side of the structure as follows:~~
1. ~~Establish a point at the Side Yard Setback, at the Centroid level, then move vertically up 22 feet to point “A”.~~
 2. ~~At point “A” a 45-degree angle will be drawn to the point where it intersects with the maximum Building height, which is point “B.”~~
 3. ~~Connect points “A” and “B” to delineate a “no build” area on each side of the structure.~~
 4. ~~On a sidewall or roof section that faces a Side Yard, a gable or dormers may be added that do not exceed 20 percent of the length of the sidewall measured at finished floor level. The dormer or gable length will be measured at the plate height level. Example: a 60-foot long side wall may have a dormer or gable that measures 12 feet long at the plate height level.~~

(9) *No-Build Vertical Envelopes.*

- a. *Single Step-Back required where Main Building is set back 12 feet or more.* Where the Main Building is set back 12 feet or more from the side Property Line, the Main Building must have a single step-back No Build Vertical Envelope.
1. *Determining the No-Build Vertical Envelope.* Where the Main Building is set back 12 feet or more from the side Property Line, no portion of a Main Building is permitted within a No-Build Vertical Envelope. Specifically, that side of a Building must have a single step-back No-Build Vertical Envelope, the size and location of which are determined as follows:
 - i. Establish the point at which the Building is set back from the side Property Line, at the Centroid level, then move vertically up 22 feet to point “A.”
 - ii. At point “A,” a 45-degree angle will be drawn to the point where it intersects a horizontal line drawn at the maximum Building height. This point will be point “B.”

iii. Connect points “A” and “B” to delineate a No-Build Vertical Envelope on that side of the Building.

2. Exceptions for Side Yard gables and dormers. 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. Depiction. The single step-back No-Build Vertical Envelope required where the Main Building is set back 12 feet or more from the side Property Line in the R-1-60 Residential District and the exceptions to it are depicted in subsection (c).

b. Double Step-Back required where Main Building is set back less than 12 feet. Where the Main Building is set back less than 12 feet from a Side Property Line, the Main Building must have a double step-back No Build Vertical Envelope.

1. Determining the No-Build Vertical Envelope. Where the Main Building is set back less than 12 feet from the side Property Line, no portion of a Main Building is permitted within a No-Build Vertical Envelope. Specifically, that side of a Building must have a double step-back No-Build Vertical Envelope, the size and location of which are determined as follows:

i. Establish the point at which the Building is set back, at the Centroid level, then move vertically up 12 feet to point “A.”

ii. At point “A,” a 45-degree angle will be drawn to the point where it intersects a vertical line offset from the point at which the Building is set back, a distance of six feet. This point will be point “B.”

iii. From point “B,” extend vertically four feet. This point will be point “C.”

iv. At point “C,” a 45-degree angle will be drawn to the point where it intersects with the maximum Building height, which will be point “D.”

v. Connect points “A,” “B,” “C,” and “D” to delineate a

No-Build Vertical Envelope on that side of the Building.

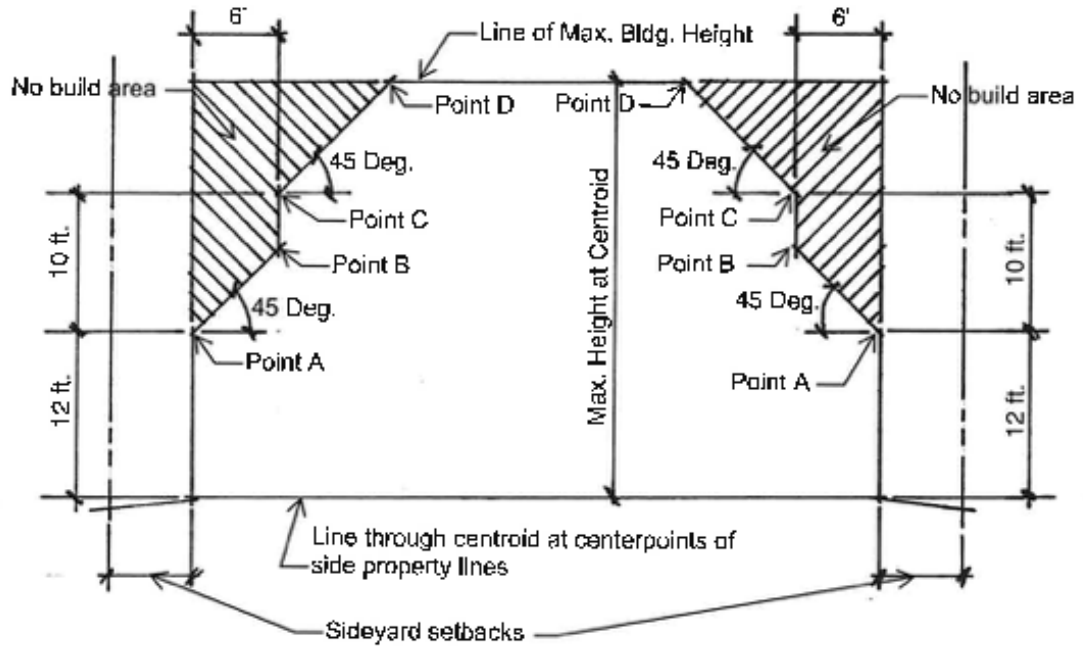
2. Exceptions for Side Yard gables and dormers. On a sidewall or roof section that faces a Side Yard, the No-Build Vertical Envelope does not limit the length of wall that: (1) does not exceed 20 percent of the length of the sidewall where the Building is constructed not less than six feet from the side Property Line; (2) does not exceed 30 percent of the length of the sidewall where the Building is constructed not less than seven feet from the side Property Line; or (3) does not exceed 40 percent of the length of the sidewall where the Building is constructed not less than eight feet from the side Property Line. The length of the sidewall will be measured at the finished floor level.

Example: A 60-foot-long side wall may have a length of wall with no limit from the No-Build Vertical Envelope that measures 18 feet if the Building is seven feet from the Property Line.

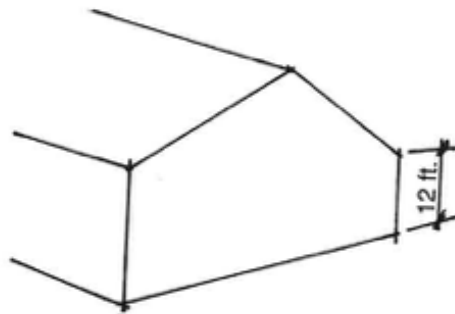
3. Exception for single-story gable walls. There will not be a No-Build Vertical Envelope on a single-story gable wall with a maximum plate line height of 12 feet.
4. Depiction. The double step-back No-Build Vertical Envelope required where the Main Building is set back less than 12 feet from the side Property Line in the R-1-60 Single Family Residential District and the exceptions to it are depicted in subsection (c).

- c. The No-Build Vertical Envelope requirements in the R-1-75 Single Family Residential District and the exceptions to them are depicted as follows:

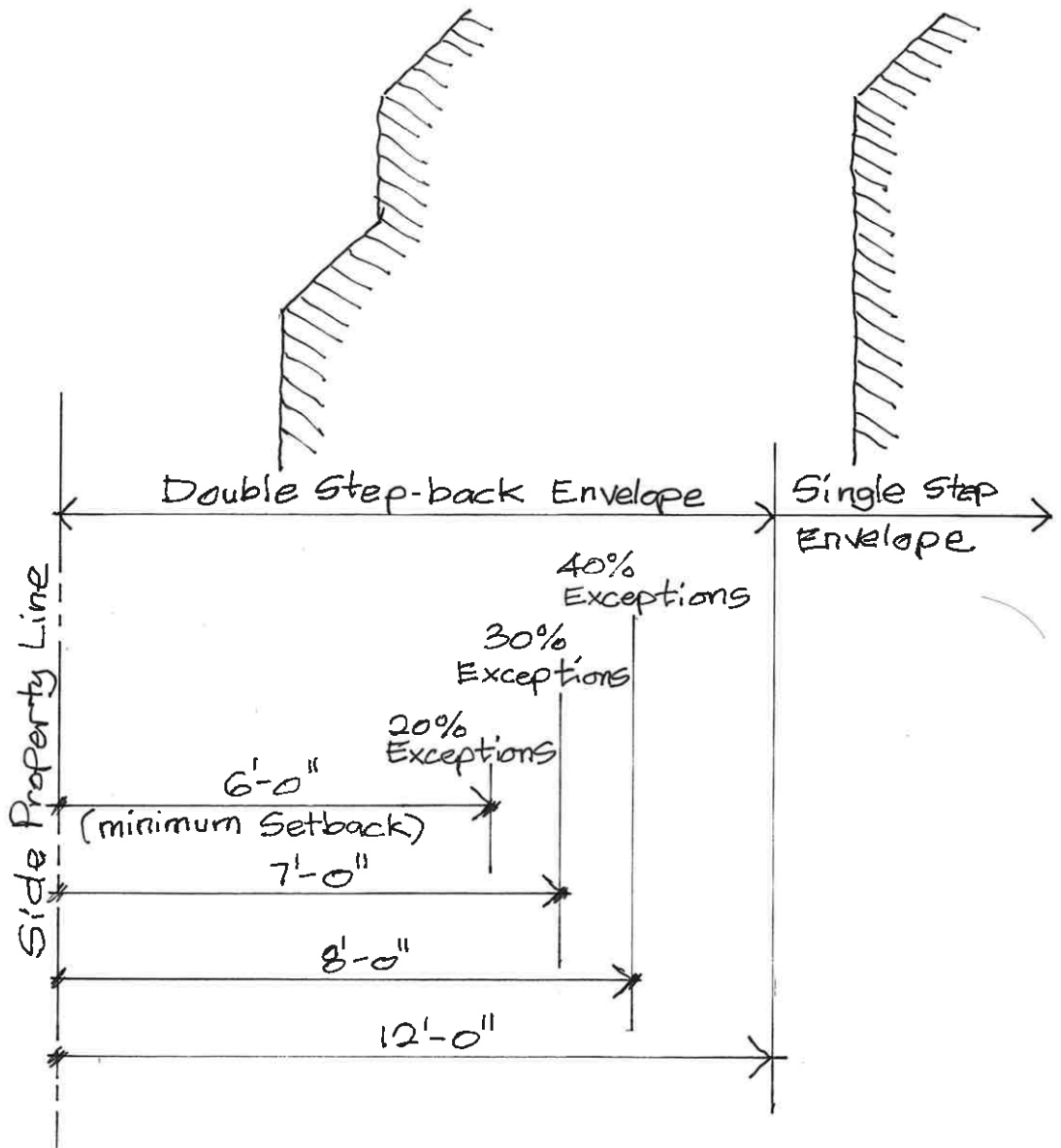
Double Stepback No Build Vertical Envelope R-1-60 District



No Build Vertical Envelope



Exception to No Build Vertical Envelope



R-1-60 Setback Depictions

~~(9 10)~~ *Aggregate Lots and combined Lots with frontage on two non-intersecting streets.*

~~(10 11)~~ *Perimeter fences and walls.*

~~(11 12)~~ *Second story decks or patios.*

~~(12 13)~~ *Combined Lots.*

~~(13 14)~~ *Separation of Accessory Buildings from Main Building.*

Section 6. All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 7. 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 8. 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 14th day of February, 2023.

APPROVED by the Mayor of the City of Nichols Hills, Oklahoma, on the 14th day of February, 2023.

ATTEST:

Steven J. Goetzinger
Mayor

Amanda Copeland

City Clerk

Reviewed as to Form and Legality:

John Michael Williams

City Attorney