

ORDINANCE NO. 1247

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

EMERGENCY ORDINANCE

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

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

Sec. 50-140. Prohibited and allowed exterior building materials in Residential Districts.

(a) *General provisions and applicability.*

- (1) The purpose and intent of this Section is to establish a list of building materials for exterior walls and exterior roofs that are prohibited and a list of such materials that are allowed for new construction of residential D wellings and for Additions and Alterations to residential Dwellings (if required for the Addition or Alteration by Section 8-40 11.) Subsection (d) of this Section establishes the only exterior wall materials that are allowed for the primary portion of the first floor of Dwellings.
- (2) The requirements of this Section apply to the “E-1” Estate District, “E-2” Estate District, “R-1-75” Single-Family Residential District, “R-1-60” Single-Family Residential District, “R-2” Two-Family Residential District, and the “R-3” Multi-Family Residential District.
- (3) Nothing in this Section shall be construed to amend or lessen in any way the applicable development regulations for each of the Residential Districts as set out in this Chapter.
- (4) While this Section lists specific materials, it is also intended to provide guidance to residents as to future building materials that could be developed using new technologies that have substantially similar components and a substantially similar appearance as the listed materials in this Section. Such new materials should likewise be considered prohibited or allowed, as the case may be.

(b) *Prohibited building materials.*

- (1) Prohibited exterior wall materials.
 - a. Exposed standard smooth face concrete masonry units (CMU).
 - b. Vinyl siding.
 - c. Plastic siding or panels.
 - d. Corrugated metal, metal “R-panel,” and flat steel panel.
 - e. Fiberglass panels.
 - f. ~~Exterior finishing coat system without foam board backing over plywood.~~ Exterior Insulation and Finish Systems (EIFS) except as permitted pursuant to subsection (c).
 - g. Exposed standard smooth face plywood (except as soffit and trim).
 - h. Cement fiber board panels.
 - i. Manufactured stone panels.
 - ~~j. Thin brick units and thin stone units applied with adhesive or adhesive mortar.~~
 - j. Thin (one-inch thick or less) man-made stone units applied using primarily adhesive or adhesive mortar.
 - k. Thin (one-inch thick or less) veneer brick used as a primary surface or replacement for a traditional full-depth unit where a path of vertical support is accessible and available. In certain and limited circumstances, a thin slice of veneer brick may be applied to an approved substrate when the modifications to properly support a full depth brick create undue hardship, such as use on an existing interior chimney or offset gable.
 - ~~k~~ l Exposed concrete.
 - ~~l~~ m Vehicle tires.
 - ~~m~~ n Rammed earth.
 - ~~n~~ o Straw bale.

- (2) Prohibited exterior roof materials.
 - a. Thatch roofing.
 - b. Mineral surfaced roll roofing on roofs of greater than 3/12 slope.
 - c. Standard 3-tab asphalt composite shingles.
 - d. Metal roofing with exposed fasteners.

(c) *Allowed building materials.*

- (1) Allowed exterior wall materials.
 - a. Brick masonry.
 - b. Natural stone masonry.
 - c. Cast stone masonry.
 - d. Wood siding.
 - e. Wood shingle siding.
 - f. Cement fiberboard lap siding or board and ~~batten~~ batten siding with ~~battans~~ battens at a maximum of 16 inches of center.
 - g. ~~Real cement stucco~~ Exterior Plaster (Stucco) as defined by the

International Residential Code, as modified and adopted by the City (the “IRC”) when applied in compliance with the IRC by a contractor certified to do so by the Exterior Plaster (Stucco) manufacturer.

- h. ~~Exterior insulated finishing system (EIFS) with foam board backing over plywood or exterior sheathing.~~ Exterior Insulation and Finish Systems (EIFS) With Drainage, as defined by the IRC when applied in compliance with the IRC by a contractor certified to do so by the EIFS manufacturer.
 - i. Exterior finishing system (with base coat) with or without foam board backing applied directly over masonry or ~~cementitious backer board~~ concrete.
 - j. Glass with less than 20 percent reflectance value.
- (2) Allowed exterior roof materials.
- a. Laminated asphalt composite shingles of 200 lbs./100 s.f. or better.
 - b. Concrete shingles.
 - c. Clay tile shingles or “Spanish barrel” or “S” tile.
 - d. Natural stone shingles.
 - e. Synthetic “stone look” or “wood shingle look” shingles.
 - f. Standing seam metal roofing.
 - g. Fire retardant treated wood shakes.
 - h. Fire retardant treated No. 1 cedar shingles.
 - i. Built-up or single ply roofing on less than 2/12 slope.

(d) Exterior wall materials allowed for primary portion of first floor of Dwellings. For all new construction of Dwellings and for Additions and Alterations to them, the primary exterior wall materials for the first floor of the Dwelling (or the Addition to it) (excluding glass) must be one or a combination of the following:

- a. Brick masonry.
- b. Natural stone masonry.
- c. Cast stone masonry.
- d. Exterior Plaster (Stucco) that meets the requirements of subsection (c)(g).
- e. Exterior Insulated Finishing System with Drainage that meets the requirements of subsection (c)(h).

For purposes of this Section, the term “primary” means 70% or more on the street-facing side(s) of the Dwelling. Such percent coverage is calculated by measuring all exterior facades of the Dwelling, excluding the openings for windows, architectural trim features (such as dormers and gables), recessed entries, chimneys, and doors.

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

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

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

PASSED by the Council of the City of Nichols Hills, Oklahoma, on the 12th day of March, 2024.

APPROVED by the Mayor of the City of Nichols Hills, Oklahoma, on the 12th day of March, 2024.

ATTEST:

Sody Clements
Mayor

Amanda Copeland
City Clerk:

Reviewed as to Form and Legality:

John Michael Williams
City Attorney