

STATE OF OKLAHOMA

1st Session of the 57th Legislature (2019)

SENATE BILL NO. 862

By: Newhouse

AS INTRODUCED

An Act relating to regulation of residential building design elements; prohibiting county and municipal regulation of residential building design elements; providing certain exceptions to regulation of building design elements; defining terms; providing for codification; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1000.30 of Title 59, unless there is created a duplication in numbering, reads as follows:

A county, municipality, city or town shall not regulate residential building design elements unless:

1. The structure is:

- a. located in an area designated as a local historic district,
- b. located in an area designated as a historic district on the National Register of Historic Places, or
- c. designated as a local, state, or national historic landmark;

1 2. The regulations are:

- 2 a. directly and substantially related to the requirements
3 of applicable safety codes,
4 b. applied to manufactured housing in a manner consistent
5 with applicable law, or
6 c. adopted as a condition for participation in the
7 National Flood Insurance Program; and

8 3. As used in this section:

9 a. "residential building design elements" means:

- 10 (1) type or style of exterior cladding material,
11 (2) style or materials of roof structures, roof
12 pitches, or porches,
13 (3) exterior nonstructural architectural
14 ornamentation,
15 (4) location, design, placement, or architectural
16 styling of windows and doors, including garage
17 doors and garage structures,
18 (5) the number and types of rooms,
19 (6) the interior layout of rooms, and
20 (7) the minimum square footage of a structure, and

21 b. "residential building design elements" does not
22 include:

- 23 (1) the height, bulk, orientation, or location of a
24 structure on a lot, or

1 (2) buffering or screening used to:

2 (a) minimize visual impacts,

3 (b) mitigate the impacts of light and noise, or

4 (c) protect the privacy of neighbors.

5 SECTION 2. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 43-109.3 of Title 11, unless
7 there is created a duplication in numbering, reads as follows:

8 A county, municipality, city or town of this state shall not
9 regulate residential building design elements unless:

10 1. The structure is:

11 a. located in an area designated as a local historic
12 district,

13 b. located in an area designated as a historic district
14 on the National Register of Historic Places, or

15 c. designated as a local, state, or national historic
16 landmark;

17 2. The regulations are:

18 a. directly and substantially related to the requirements
19 of applicable safety codes,

20 b. applied to manufactured housing in a manner consistent
21 with applicable law, or

22 c. adopted as a condition for participation in the
23 National Flood Insurance Program; and

24 3. As used in this section:

- 1 a. "residential building design elements" means:
- 2 (1) type or style of exterior cladding material,
- 3 (2) style or materials of roof structures, roof
- 4 pitches, or porches,
- 5 (3) exterior nonstructural architectural
- 6 ornamentation,
- 7 (4) location, design, placement, or architectural
- 8 styling of windows and doors, including garage
- 9 doors and garage structures,
- 10 (5) the number and types of rooms,
- 11 (6) the interior layout of rooms, and
- 12 (7) the minimum square footage of a structure,
- 13 b. "residential building design elements" does not
- 14 include:
- 15 (1) the height, bulk, orientation, or location of a
- 16 structure on a lot, or
- 17 (2) buffering or screening used to:
- 18 (a) minimize visual impacts,
- 19 (b) mitigate the impacts of light and noise, or
- 20 (c) protect the privacy of neighbors, and
- 21 c. "municipality, city or town" means any charter
- 22 municipality, city or town of this state as such terms
- 23 are defined in Section 1-102 of Title 11 of the
- 24 Oklahoma Statutes, and any city or town that is

1 incorporated in accordance with the laws of the State
2 of Oklahoma.

3 SECTION 3. This act shall become effective November 1, 2019.
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