

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 SENATE BILL 862

By: Newhouse

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5  
6 AS INTRODUCED

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

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

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

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

19 1. The structure is:

- 20 a. located in an area designated as a local historic  
21 district,  
22 b. located in an area designated as a historic district  
23 on the National Register of Historic Places, or  
24 c. designated as a local, state, or national historic  
25 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:  
25

- 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

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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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