

SENATE CHAMBER
STATE OF OKLAHOMA

DISPOSITION

FLOOR AMENDMENT

No. _____

COMMITTEE AMENDMENT

(Date)

Mr./Madame President:

I move to amend Senate Bill No. 1713, by substituting the attached floor substitute for the title, enacting clause and entire body of the measure.

Submitted by:

Senator David

David-NP-FS-Req#4012
3/10/2020 6:15 PM

(Floor Amendments Only) Date and Time Filed: _____

Untimely

Amendment Cycle Extended

Secondary Amendment

1 STATE OF OKLAHOMA

2 2nd Session of the 57th Legislature (2020)

3 FLOOR SUBSTITUTE
4 FOR

5 SENATE BILL NO. 1713

By: David of the Senate

and

Martinez of the House

7
8
9 FLOOR SUBSTITUTE

10 [regulation of residential building design elements
11 - limitation - codification -
12 emergency]

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 43-109.3 of Title 11, unless
16 there is created a duplication in numbering, reads as follows:

17 A. Beginning on and after the effective date of this act, a
18 municipality, city or town shall not adopt or impose new single-
19 family residential building design elements or implement new
20 policies that have the effect of creating new single-family
21 residential building design element regulations, unless:

22 1. The residential building structure is:
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- 1 a. located in an area formally designated and declared as
2 a state or local historic district under applicable
3 law,
4 b. designated as a local, state or national historic
5 landmark,
6 c. located on a property that is governed by a regulation
7 created by any valid negotiated zoning ordinance which
8 serves to indicate mutual consent between property
9 owners and a municipality, city or town, which
10 includes but is not limited to a Planned Unit
11 Development,
12 d. located on a property that is governed by the
13 application of a municipal, city, or town policy,
14 regulation or ordinance affecting the public safety of
15 residential building design elements and such policy,
16 regulation or ordinance was duly and properly adopted
17 by the applicable governing body in accordance with
18 applicable law,
19 e. located on a property that is governed by a policy or
20 regulation as set forth within a duly adopted tax
21 increment finance district or a business improvement
22 district,
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- f. located on a property that is governed by a policy or regulation of an overlay or a special purpose zoning district that is adopted pursuant to applicable law, or
- g. located in an existing neighborhood designated as a blighted area or redevelopment district; or

2. The regulations are:

- a. directly and substantially related to life safety or building safety, or
- b. applied to manufactured housing in a manner consistent with applicable state or federal law, or
- c. adopted as a condition for participation in the National Flood Insurance Program.

B. As used in this section:

1. "Residential building design elements" means:

- a. type or style of exterior cladding or finish materials,
- b. style or materials of roof structures, roof pitches or porches,
- c. exterior nonstructural architectural ornamentation,
- d. location, design, placement or architectural styling of windows and doors including garage doors and garage structures,
- e. the number and types of rooms,
- f. the interior layout of rooms, and
- g. the minimum square footage of a structure; and

1 2. "Residential building design elements" does not include:

2 a. the height, bulk, orientation or location of a
3 structure on a lot, or

4 b. buffering or screening elements located at the
5 perimeter of the property that are used to:

6 (1) minimize visual impacts,

7 (2) mitigate the impacts of light and noise, or

8 (3) protect the privacy of neighbors.

9 C. This section does not prohibit or diminish the rights of
10 private parties to enact regulations as created by valid private
11 covenants or other contractual agreements among property owners
12 relating to residential building design elements including
13 restrictive covenants and declarations such as those maintained by
14 owners' associations in real estate developments as created under
15 Section 851 et seq. of Title 60 of the Oklahoma Statutes or under
16 Section 501 et seq. of Title 60 of the Oklahoma Statutes.

17 ~~SECTION 2. It being immediately necessary for the preservation~~
18 ~~of the public peace, health or safety, an emergency is hereby~~
19 ~~declared to exist, by reason whereof this act shall take effect and~~
20 ~~be in full force from and after its passage and approval.~~

21
22 57-2-4012

NP

3/10/2020 6:15:56 PM