



*The Unified Voice of Oklahoma Cities and Towns*

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IS 19-38 - A Study of Municipal Regulations of Aesthetic Design  
Elements in Residential Construction

# Why municipal regulation?

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Government  
closest to the  
people

private  
property  
(incorporated

# How we got here...



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- Unsubstantiated allegations to date:
    - Municipalities are halting production of houses until new standards are met.
    - Municipalities are enforcing unwritten standards.
    - Municipalities are “changing the rules” mid-way through a project.
      - (Alleged against Tuttle, Bixby, and Noble - NONE of which had design standards at the time).
  - The newest allegation:
    - Municipal objectives to attack affordable housing include intentional economic and class discrimination.

# Building a Community – Comprehensive Plans

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■ Building a community is looking at the big picture:

- Promote Health and General Welfare
- Water
- Sewer
- Sanitation
- Adequate Light & Air
- Police
- Fire
- EMS
- Traffic / Street Congestion
- Quality of Life



# Establishing Zoning Codes

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- *Typically begin with a problem.*
- Notice
- Planning Commission – Public Hearing
- Planning Commission Recommendations
- Notice
- Council Action – Public Hearing
- Adopted Ordinance

# Let's build a house...

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- Common Zoning Items
  - Density, parking, traffic, & structural elements.
- Straight Zoning
  - If a person meets the requirements, they by right are entitled to proceed with their project.
- Planned Unit Development (PUD) – Created by statute to allow flexibility in developments.
  - Allows for modifications to the underlying zoning code in an effort to meet the objectives of the comprehensive plan.
  - This is only implemented if the municipal government **and** the builder agree to the plan.
  - If no agreement is created, the fall back position is straight zoning.

# Why have design standards at all?



1. Oklahoman's want to live in quality communities.



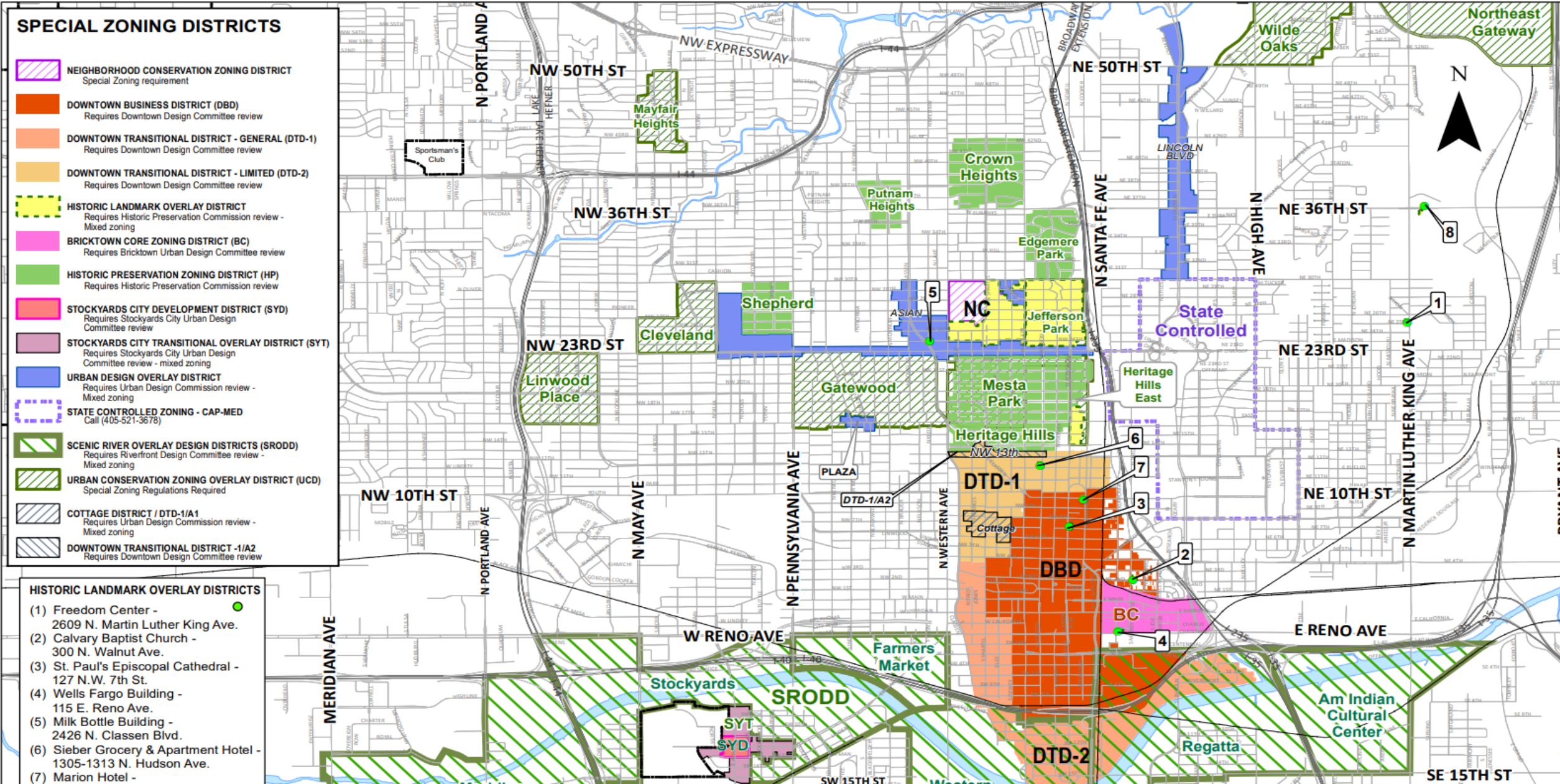
2. Houses built with low quality materials degrade faster than other homes, and often result in substandard living conditions.



3. Design standards implemented in struggling neighborhoods contribute towards lifting the community upward and improves the quality of affordable housing for those that need it most.



# Successful Design Overlay Districts

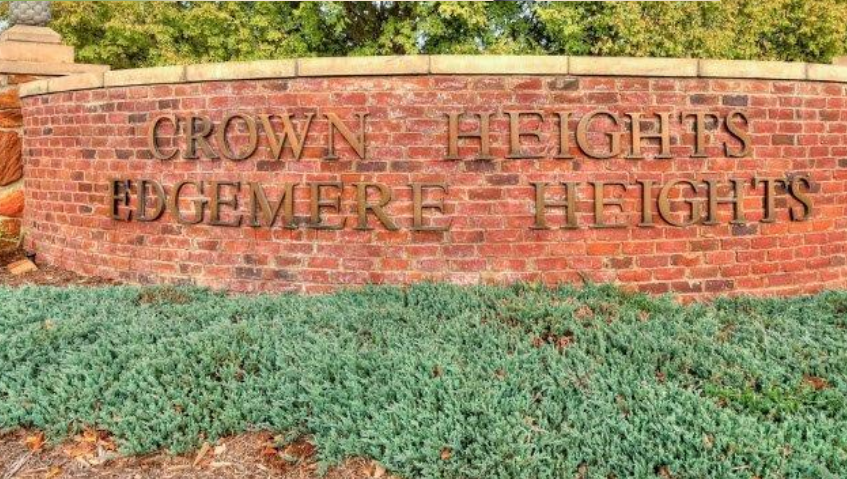




# Historic Preservation Districts



Crown Heights Historic Preservation Zoning District





# Pre-Emption Problems

Style or materials used in roof structures, roof pitch design, and porches

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Common areas of concern:

- Roofing Materials (durability)
- Pitch (Angle)
- Repairs made properly

# Pre-Emption Problems – Roofing Issues

## [An Example from a Better Business Bureau Complaint from Arkansas](#)

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### Customer Complaint -

...Failure to honor guarantee of workmanship to homeowners in their \*\*\*\*\* neighborhood, with regards to the roofing on the homes. A number of homes in this neighborhood continue to have shingles blow off the homes. During one such event, I counted over 40 homes that sustained roof damage when winds never blew above the 60mph that most shingles are rated for (March 9, 2019)...

### Rausch Coleman Homes NWA, LLC Response 06/13/2019

...We received the first request from \*\*\*\*\* December 7, 2018, eight months after the expiration of the one-year coverage for shingles through the builder. The request was after a storm came through and caused damage. We sent a roofer to inspect \*\*\*\*\* concerns and verified the nailing pattern was correct. We offered to have the roofer meet with him and/or assist in submitting a claim through the manufacturer, GAF. We received no response from \*\*\*\*\* until his second request on March 10, 2019, after a very windy day. Although gusts only reached 41 mph, we informed everyone that called in that as a customer service the roofers would be going through our communities, including \*\*\*\*\* , for the week following...

# Pre-Emption Problems

## Type of style of exterior cladding or finish

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- Low grade products deteriorate faster.
- Low grade products often have poor warranties.
- Low grade products cost more to maintain – especially problematic for low income buyers.

### *Standard Vinyl Siding Warranty -*

#### **What This Warranty Does Not Cover**

**This warranty** covers only the specific manufacturing defects described herein and **excludes any other damages or material failure, including**, but not limited to changes in surface color resulting from chalking, fading, soiling or staining (Exposure to the elements may cause these changes over time; the degree to which weathering occurs will vary depending on air quality, a building's location and other local conditions over which we have no control.), accidental damage, settlement, structural shrinkage or distortion of the structure, **hail**, fire, lightning, hurricane, **tornado, windstorm**, vandalism, earthquake, ...

# Pre-Emption Problems

Lack of standards contributes to decreased property values.

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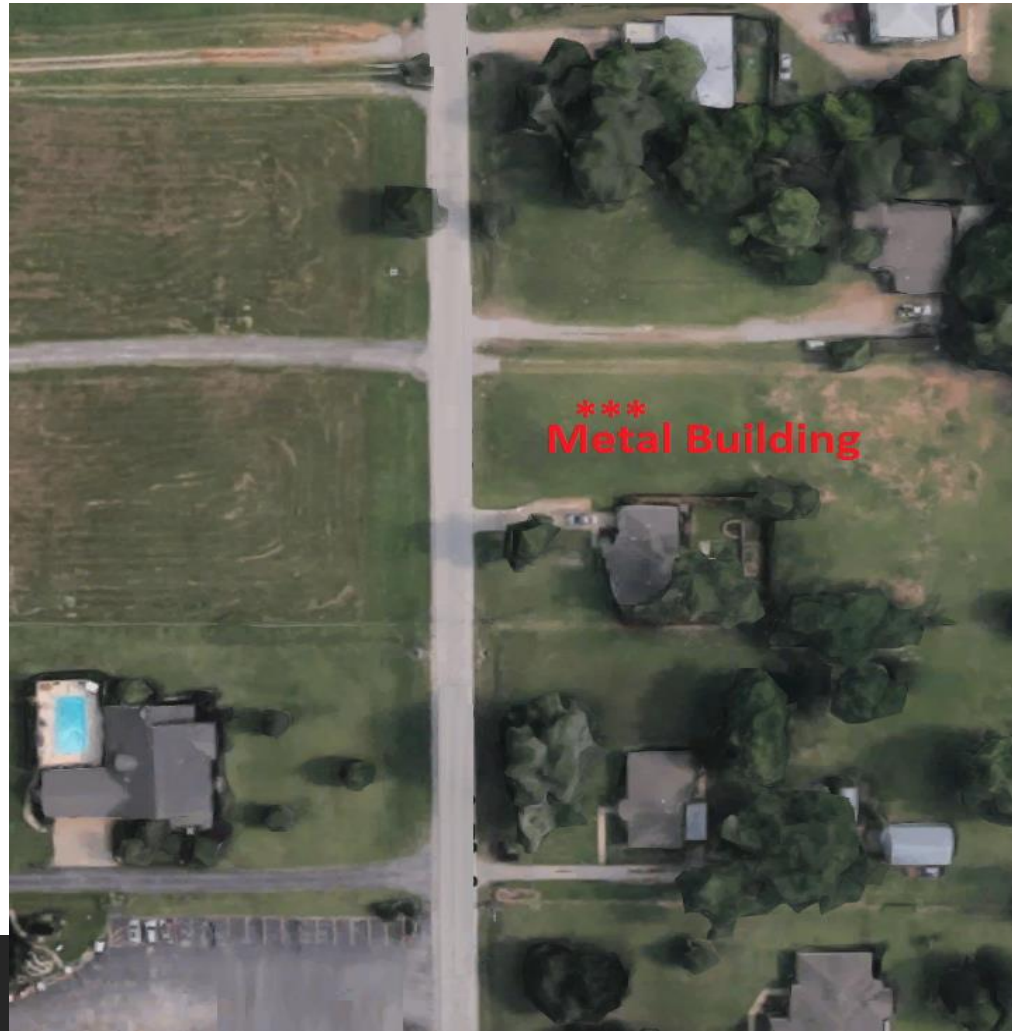




# Pre-Emption Problems

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# Pre-Emption Problems

Location, design, placement, or architectural styling of windows and doors, including garage doors and garage structures

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- Windows and doors are vital considerations for fire safety





# Pre-Emption Problems

Location, design, placement, or architectural styling of windows and doors, including garage doors and garage structures

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- Garage doors
  - Safety – Weakest point of a building in tornados.
  - Traffic Concerns
  - Midwest City – Side Garage Entry



# Design Standards in Community Revitalization Efforts

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# Design Standards in Community Revitalization Efforts

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# Municipalities are COMMITTED to affordable housing options.

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- CDBG & HUD Partnership Programs
  - Rehabilitating Homes
  - Down Payment Assistance
  - Emergency Repairs
- Downtown Tulsa TIF District and Revolving Fund
  - Incentivization affordable housing in and around downtown Tulsa



# Municipalities are COMMITTED to affordable housing options.

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The Altamont



Whittier Villas



CITY OF  
**Tulsa**  
A New Kind of Energy™

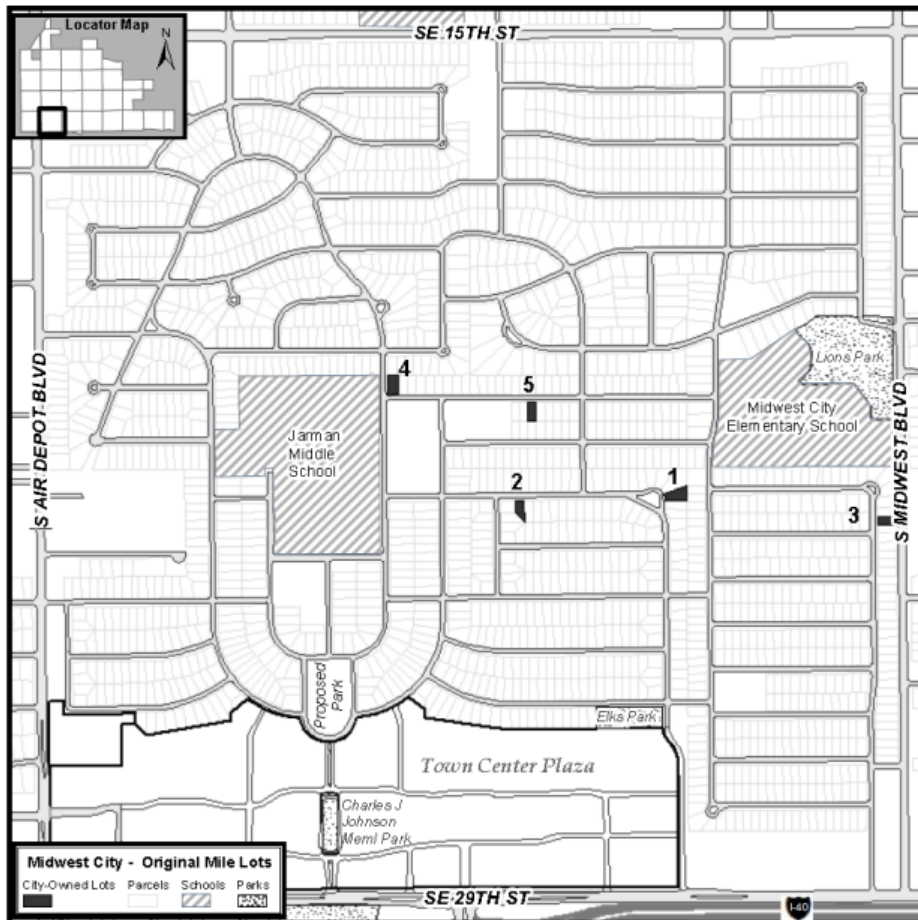


# Municipalities are COMMITTED to affordable housing options.

## ORIGINAL MILE INFILL HOUSING PROJECT

MIDWEST CITY, OKLAHOMA

### Map of Original Mile lots



- Encourage Cottage, Cape Cod or Bungalow style or another architectural style that will appeal to a modern audience.
- Be designed with appropriate massing that will blend well with the existing housing stock.
- Encourage a large covered, welcoming front porch or other attractive good outdoor spaces.
- Encourage a 3-bed, 2-bath with modern amenities or demonstrate understanding of current housing market trends.
- Put garage in the back or on the side if possible.
- Must be primarily brick or rock construction.
- Attractive landscaping should be included.

# Conclusions

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- Municipalities are committed to strong, vibrant communities.
- Municipalities are **not** engaging in mass discrimination as has been repeatedly alleged.
- Municipalities are committed to long term affordable housing options.
  - **NOT** low standards that contribute to exploitation of those in need.



# Questions?

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