

**ORDINANCE 2018-09**

AN ORDINANCE OF THE TOWN OF LUTHER, OKLAHOMA AMENDING SECTION 12-217 OF THE TOWN CODE OF THE TOWN OF LUTHER, OKLAHOMA REGARDING PLANNING, ZONING, AND DEVELOPMENT; DECLARING REPEALER; PROVIDING FOR SEVERABILITY.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF LUTHER, OKLAHOMA:

**SECTION 1.** Section 12-217 of the Code of Ordinances for the Town of Luther, Oklahoma is amended as follows:

**SECTION 12-217.**

1. **GENERAL DESCRIPTION.** This district is intended to provide a zoning classification for the land situated on the fringe of the urban area that is used for agricultural purposes, but will be undergoing urbanization in the future. Most of these areas will be in close proximity to residential and commercial uses. Therefore, the agricultural activities conducted in this district should not be detrimental to urban land uses. It is not intended that this district provide a location for a lower standard of residential, commercial, or industrial development than is authorized in other districts. The types of uses, areas and intensity of use of land which is authorized in this district is designed to encourage and protect agricultural used until urbanization is warranted and the appropriate change in district classification is made.
2. **USES PERMITTED.** Property and buildings in an A-1 District shall be used only for the following purposes:
  - (a) Agriculture, together with residential and accessory buildings necessary in the operation thereof.
  - (b) For the purpose of this ordinance, agriculture shall include agriculture, farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, and animal and poultry husbandry.
3. **AREA REGULATIONS.**
  - (a) A-1 Districts shall contain at least ten (10) acres of land unless such land was designated on a recorded plan or separately owned prior to the effective date of this ordinance.
4. **REGULATIONS FOR BUILDINGS.**
  - (a) **Front Setback.**
    - (1) The minimum setback line for the front is twenty-five (25) feet from the front lot line to the building line.
  - (b) **Side Setback.**
    - (1) The minimum side lot clearance on each side shall be twenty (20) feet.
    - (2) On any corner lot a building shall be set back from the street line of the intersecting street a distance of twenty-five (25) feet.

(c) Rear Setback.

(1) The minimum back lot clearance shall be twenty (20) feet.

(d) Minimum Lot Area Per Dwelling. On computing lot areas, an area not to exceed one-half of the width of the road or street right-of-way may be including if the lot owner holds title to the same.

(1) The minimum lot area for a detached single or two family dwellings with municipal water and sewer services is 6,000 square feet unless such lot was designated on a recorded plat or separately owned before the effective date of this ordinance.

(2) The minimum lot area for a detached single or two family dwelling with individual water well and septic system is two and one-half (2 ½) acres of lot area unless such lot was designated on a recorded plat or separately owned before December 20, 1979.

(3) No living quarters over a business establishment, restaurant, lunchroom or garage shall accommodate more than one family for each twenty-five hundred (2,500) square feet of lot area.

5. MINIMUM SIZE OF DWELLINGS.

Every dwelling or residence shall have a floor space designed and used for living quarters of not less than nine hundred (900) square feet per family unit exclusive of basements, porches, garages, breezeways, terraces or attics. (This provision does not apply to manufactured housing which is covered under a separate section. See Part 5, Chapter 8).

6. MAXIMUM HEIGHT OF BUILDINGS.

In the A-1 District there shall be no limit on height of structures, provided that any portion of a structure exceeding thirty-five (35) feet in height is set back from side and rear lot lines abutting other property in residential districts at least one foot in addition to the minimum set-back for each additional foot of height.


**SECTION 2. REPEALER.** All ordinances or parts of ordinances conflicting or inconsistent with the provisions of this ordinance are hereby repealed to the extent of any such conflict.

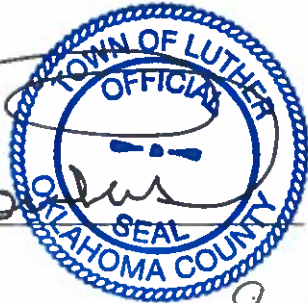
**SECTION 3. SEVERABILITY.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

**SECTION 4. EMERGENCY.** It being immediately necessary for the preservation of the public health, peace and safety of the Town of Luther and the inhabitants thereof, an emergency is hereby declared to exist by reason whereof, this Ordinance shall be in full force and effect from and after the end of the current clerk-treasurer's term.

**PASSED AND APPROVED** and the Emergency Clause voted upon separately and passed and approved this 9 day of October, 2018.

ATTEST:

  
Town Clerk/Treasurer



  
Mayor

APPROVED as to form this 9 day of October, 2018.

  
Matthew L. Winton<sup>PLLC</sup>  
Town Attorney