

ORDINANCE NO. 2020-07

AN ORDINANCE OF THE TOWN OF LUTHER, OKLAHOMA, AMENDING PART 12, "PLANNING, ZONING, AND DEVELOPMENT," OF THE TOWN OF LUTHER CODE OF ORDINANCES, AMENDING SECTION 12-203 "DEFINITIONS," PROVIDING FOR THE DEFINITION OF A MOBILE HOME; PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY

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

SECTION 1. Section 12-203 of the Code of Ordinances of the Town of Luther, Oklahoma, is hereby amended to read as follows:

SECTION 12-203 DEFINITIONS.

For the purpose of these regulations, words used in the present tense include the future tense, the singular number includes the plural number, and the plural number includes the singular number; the term "building" includes the term "structure"; the term "occupied" includes the term "designated or intended to be occupied"; the term "used" includes the term "arranged, designed or intended to be used." The term "shall" is mandatory and not directory.

1. "Accessory Building" means a building, located on the same lot with the main building, the use of which is accessory thereto.
2. "Accessory Use" means a use or building customarily incident to and located on the same lot with another use or building.
3. "Alley" means a right-of-way, dedicated to public use, which affords a secondary means of vehicular access to the back or side of properties otherwise abutting a street, and which may be used for public utility purposes.
4. "Alterations, Structural" means any change in the supporting members of a building, such as bearing walls, columns, beams or gliders.
5. "Apartment" means a room or suite of rooms in an apartment house which room or suite or rooms is arranged, intended, designed and constructed or reconstructed to be occupied as a residence of single family, individual, or group of individuals.
6. "Apartment House" means a building or portion thereof used as a residence for three or more families living in separate complete housekeeping units.
7. "Bathroom" means a room within the structure containing at least a washbasin and water closet, and a permanently installed tub or shower bath.
8. "Block" means a parcel of land, intended to be used for urban purposes, which is entirely surrounded by public streets (active and/or vacant), highways, railroad right-of-way, public walks, parks or greenstrips, rural land or drainage channels or a combination thereof.
9. "Building" means any structure built for the support, shelter, or enclosure of persons, animal, mechanical devices or chattels, and when separated by division walls without openings from the ground up, each portion of such structure shall be deemed a separate building.

10. "Building Area" means the maximum horizontal projected area of a building and its accessory buildings, excluding open steps, buttresses, terraces, cornices and other minor, ornamental features projecting from the walls of the building, not otherwise supported by the ground.
11. "Building, Height of" means the vertical distance measured from the average elevation of the finished grade along the front of the building to the highest point on the roof.
12. "Building Line or Setback Line" means a line or lines designating the area outside of which buildings may not be erected.
13. "Construction" Construction shall be deemed begun when ground is broken for the purpose of the erection of any building falling under the jurisdiction of this ordinance.
14. "Courtyard" means that part of a lot which is unoccupied from the ground to the sky or from an intermediate floor to the sky; and in relation to a story of a building it shall mean the part of a lot which is unoccupied above a horizontal plane passing through such story at the level of the sill of the lowest window transmitting light from the courtyard to such story.
15. "Easement" means a grant by the property owner to the public, a corporation, or persons, of the use of a strip of land for specific purposes.
16. "Family" means a number of individuals related by blood, marriage or adoption living and cooking together on the premises as a single housekeeping unit and including domestic employees.
17. "Front Lot Line" means the line of a lot coincident with the principal road line thereof, synonymous with front property line or property frontage. If there is not established right-of-way side line from a road or street, such line shall be deemed to be thirty (30) feet from the center of the road.
18. "Garage" means a building or space used as an accessory to a main building permitted in any residential district and providing for the storage of motor vehicles and in which no business, occupation or service for profit motive is in any way conducted.
19. "Grandfather Clause" See "Nonconforming Use."
20. "Higher Use" means a more restricted use.
21. "Intersection" means the junction of any two or more dedicated and accepted public streets and that area common to both.
22. "Lot" means a subdivision of a block or other parcel intended as a unit for the transfer of ownership or for development.
23. "Lot, corner" means a lot located at the intersection of and abutting on two (2) or more streets.
24. "Lot, double frontage" means a lot which runs through a block from street to street and which has two (2) non-intersecting sides abutting on two (2) or more streets.
25. "Lot, reverse frontage" means a double frontage lot which is to be developed with the rear yard abutting a major street and with the primary means of ingress and egress provided on a minor street.
26. "Lot, Width of" means the mean horizontal distance between the sides of the lot, measured at the center of the building.
27. "Lower Use" means a less restricted use.

28. "Master Plan" means the comprehensive development plan for the town which has been officially adopted to provide long-range development policies for the areas subject to urbanization in the foreseeable future and which includes, among other things, the plan for land use, land subdivision, circulation and community facilities.
29. "Manufactured home" means a dwelling unit fabricated on or after June 15, 1976, in an off-site manufacturing facility for installation or assembly at the building site, bearing a seal certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards Code.
30. "Mobile home" means a single-family dwelling designed for transportation on streets and highways on its own wheels or on flatbeds or other trailers, both highway and rail, and arriving at the place where it is to be occupied as a dwelling complete and ready for occupancy, except for minor and incidental unpacking and assembly operations, location on jacks or permanent foundations, connection to utilities and similar operations. Unless otherwise indicated, "mobile home" shall refer to an independent mobile home.
31. "Nonconforming Use" means any lawful use of land, building or structure existing at the time of adoption of the Zoning Map, which does not conform with the regulations of the district in which it is situated.
32. "Parking Space" means a permanently surfaced area, enclosed or unenclosed, sufficient in size to store one (1) automobile together with a permanently surfaced driveway connecting the parking space with a street or alley and permitting ingress or egress of an automobile.
33. "Percentage of Lot Occupancy" means that percentage of the area of a lot, as herein defined, which is occupied as a building area.
34. "Planning Commission" means the Luther Planning Commission.
35. "Porch" means a roofed open structure projecting from the front, side or rear wall of a building.
36. "Principal use" means the predominant or main use to which a property is or may be devoted and to which all other uses on the premises are accessory.
37. "Rear Lot Line" means the property line opposite the front lot line. If a lot is not in the form of a rectangle, but is irregular in shape, there shall be no rear lot line unless the principal building on the lot races an angle thereof, the one side of the angle shall be front lot line and line opposite the angle shall be the rear lot line.
38. "Repair Garage" means a building or space for the storage of motor vehicles at which repairs on any kind of motor vehicle are permitted or at which the sale of accessories and filling station service is permitted.
39. "Rest Home" means a structure designed and operated for the care of aged or infirm persons.
40. "Service Station" means a building where gasoline, oil and greases are supplied and dispensed to the motor vehicle trade.
41. "Setback Line" See "Building Line."
42. "Sign, Advertising (or Structure)" means any cloth, card, paper, metal, painted, glass, wooden, plastic, plaster, stone or other sign, device or structure of any character

whatsoever, including statuary, placed for outdoor advertising purposes on the ground or on any tree, wall, bush, rock, post, fence, building or structure. The term “placed” shall include erecting, constructing, posting, painting, printing, tacking, nailing, gluing, sticking, carving or otherwise fastening, affixing or making visible in any manner whatsoever. The area of an advertising structure other than a sign shall be determined as the area of the largest cross-section of such structure. Neither directional, warning nor other signs posted by public officials in the course of their public duties shall be construed as advertising signs for the purpose of this definition.

43. “Single-Family Dwelling” means a dwelling entirely detached and independent from any other principal structure, arranged, intended, designed and constructed or reconstructed to be occupied by a single family.
44. “Street” means any public or private right-of-way which affords the primary means of access to abutting property.
45. “Structure” means anything erected, constructed or reconstructed on a foundation, posts, piles, blocks, skids, sills, or other support which is or is not permanently located in, or attached to, the soil.
46. “Structural Change or Alteration” means any change in supporting members of a building such as bearing walls or partitions, columns, beams, or girders, exempting such structural change as may be required for the safety of the building.
47. “Town” means the Town of Luther, Oklahoma.
48. “Town Board” means the Luther Town Board.
49. “Town House” See “Apartment House”
50. “Yard” means an open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward. In measuring a yard for the purpose of determining the width of the side yard, the depth of a front yard or the depth of a rear yard, the least horizontal distance between the lot line and the building or setback line shall be used.

SECTION 3. 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 4. SEVERABILITY. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by a 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 portion of this Ordinance.

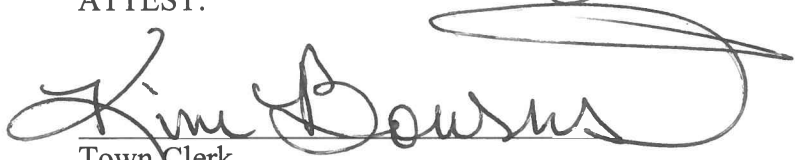
SECTION 5. EMERGENCY. Is being immediately necessary for the preservation of the public health, peace and safety of the Town of Luther and the inhabitants thereof that the provisions of this ordinance be put into full force and effect immediately, an emergency is hereby declared to exist by reason whereof, this Ordinance shall be in full force and effect from and after its passage as provided by law.

PASSED AND APPROVED and the Emergency Clause voted upon separately and passed and approved this 10th day of March, 2020.



Mayor Jenni White

ATTEST:



Town Clerk

APPROVED as to form and legality.



Town Attorney