

ORDINANCE 2020-09

AN ORDINANCE OF THE TOWN OF LUTHER, OKLAHOMA, AMENDING SECTION 12-210, "GENERAL," OF THE CODE OF ORDINANCES OF THE TOWN OF LUTHER, OKLAHOMA, TO ADD THE DOWNTOWN BUSINESS DISTRICT; AND ADDING SECTION 12-215.1, "DB DISTRICT (DOWNTOWN BUSINESS)," WHICH SETS FORTH A GENERAL DESCRIPTION OF DOWNTOWN BUSINESS DISTRICTS, PERMITTED USES, IDENTIFICATION OF THE DISTRICT FROM FIRST STREET TO SECOND STREET AND MAIN STREET TO ASH STREET, THE GENERAL PURPOSES, AND THE MAXIMUM HEIGHT FOR BUILDINGS; PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY

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

SECTION I. Section 12-210 of the Code of Ordinances for the Town of Luther, Oklahoma is hereby amended to read as follows:

For the purpose of carrying out the provisions of this ordinance, the incorporated area of the Town of Luther is hereby divided into the following districts:

1. Residential, which shall be designated as "R-1" districts.
2. Manufactured Housing, which shall be designated as "R-2" districts.
3. Multi-Family Housing, which shall be designated as "R-3" districts.
4. Manufactured or Mobile Home Community/Park, which shall be designated as "R-4" districts.
5. Business and Commercial, which shall be designated as "B" districts.
6. Downtown Business, which shall be designated as "DB" districts.
7. Industrial and Manufacturing, which shall be designated as "I" districts.
8. Agricultural, which shall be designated as "A-1" districts.
9. Agricultural -Restricted, which shall be designated as "A-2" districts.

SECTION II. Section 12-215.1 of the Code of Ordinances for the Town of Luther, Oklahoma is hereby added to read as follows:

SECTION 12-215.1 DB DISTRICT (DOWNTOWN BUSINESS)

1. **GENERAL DESCRIPTION.** The Downtown Business District is intended to:
 - A. Encourage conversion, and reuse of aging and underutilized areas, and increase the efficient use of available land in the Town;
 - B. Create compact and pedestrian-oriented environments that encourage pedestrian access; and

- C. Ensure that development is of high quality and provides interest through use of varied forms, materials, details, facades and colors, especially at the ground floor and second story.

2. **USES PERMITTED.** All Uses provided for in Business and Commercial Districts (B District) and set out in Section 12-215 of the Luther Code of Ordinances, except for the uses in the R-1, R-2, R-3, or R-4 districts shall apply to the DB District. Upper-story and rear residential uses of not less than 900 square feet per family unit are allowed. Uses permissible on review by the Planning Commission include private clubs, nightclubs, dance halls, and taverns. Properties and buildings used for residential uses at the time of adoption of this ordinance shall be considered legally, non-conforming uses.

3. **DESIGNATION OF AREA.** The area from 1st Street to 2nd Street and Main Street to Ash Street is hereby designated as a Downtown Business District.

4. **AREA REGULATIONS.**

A. The DB District is intended to provide for and encourage development and redevelopment that preserves and enhances the unique character and vitality of the Luther downtown. Small-scale offices and retail are allowed. Buildings, structures, improvements, facades, sidewalks, parking, and walkways shall be human-scaled, pedestrian-oriented and walkable. All construction and improvements shall keep with the style of downtown and be inviting to commercial development and complementary residential opportunities. Continuous retail frontages, largely uninterrupted by driveways and parking, are encouraged.

B. There are no minimum building setbacks in the DB District and off-street parking is not required. Brick, stone, wood, or other suitable material consistent with the downtown area shall be used for construction.

5. **MAXIMUM HEIGHT OF BUILDINGS.** In the DB District there shall be no limit on the 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 for each additional foot of height in addition to the minimum setback.

SECTION III. 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 IV. 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 V. It 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 12th day of January, 2021.


MAYOR JENNI WHITE

ATTEST:


TOWN CLERK



Approved as to form and legality:


Town Attorney