

**ORDINANCE NO. 2020-05**

**AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF LUTHER, OKLAHOMA, AMENDING PART 12, "PLANNING, ZONING, AND DEVELOPMENT," OF THE TOWN OF LUTHER CODE OF ORDINANCES, AMENDING SECTION 12-217, "A-1 DISTRICT (AGRICULTURAL)," AND SPECIFICALLY SETTING FORTH THE CRITERIA FOR THE A-1 DISTRICT, INCLUDING MODIFYING THE LOT SIZE FOR RESIDENTIAL STRUCTURES, AND PROVIDING FOR THE DESIGNATION OF A-1 UPON ANNEXATION; REPEALING ALL ORDINANCES TO THE CONTRARY; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY**

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

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

**SECTION 12-217. A-1 DISTRICT (AGRICULTURAL)**

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 development that 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 uses 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) Single family dwellings, including mobile homes, provided no more than one (1) dwelling shall be located on an individual five (5) acre lot.

(b) Agriculture, together with residential and accessory buildings necessary in the operation thereof.

(c) For the purposes of this ordinance, agriculture shall include agriculture, farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, and animal and poultry husbandry.

3. **AREA REGULATIONS.** A-1 Districts shall contain no less than five (5) 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.** 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. 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.

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 and mobile homes.

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 setback for each additional foot of height.


7. **ANNEXATION.** All annexed lands into the Town of Luther shall be classified as A-1 Districts (Agricultural), unless specific zoning classification(s) are included in the ordinance of annexation.

**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 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 4. 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 10<sup>th</sup> day of March, 2020.**

  
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Mayor Jenni White

ATTEST:  
  
\_\_\_\_\_  
Town Clerk

Approved as to form and legality:

  
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Town Attorney