

**ORDINANCE NO. 2016-29**

**AN ORDINANCE AMENDING SECTION 15-1-104 OF THE CENTERVILLE MUNICIPAL CODE REGARDING THE DEFINITION OF FLAG LOT AND SMALL SUBDIVISION, REPEALING SUBSECTIONS 15-5-102(9) AND 15-5-102(10) OF THE SAME REGARDING FLAG LOT DEVELOPMENT, AND AMENDING SECTION 12.36.020 OF THE CENTERVILLE ZONING CODE REGARDING TABLE OF USES FOR RESIDENTIAL USES TO ELIMINATE FLAG LOT DEVELOPMENT AS A PERMITTED USE IN THE RESIDENTIAL-LOW (R-L) AND RESIDENTIAL-MEDIUM (R-M) ZONES**

**WHEREAS**, the City has previously adopted regulations regarding flag lot development as set forth in the Centerville Subdivision Ordinance and the Centerville Zoning Code permitting flag lot development under limited circumstances in the Residential-Low (R-L) and Residential-Medium (R-M) Zones; and

**WHEREAS**, the City Council desires to repeal the provisions of the Centerville Subdivision Ordinance and the Centerville Zoning Code regarding flag lot development and prohibiting such type of development in all zones; and

**WHEREAS**, the City is authorized to enact, amend or repeal provisions of the Centerville Subdivision Ordinance and Centerville Zoning Code pursuant to specific statutory authority, including, but not limited to Utah Code §§ 10-9a-501, et seq., and Utah Code § 10-8-84; and

**WHEREAS**, all required notice and public hearings have been held before the Planning Commission and City Council regarding these proposed amendments to the Centerville Subdivision Ordinance and the Centerville Zoning Code.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF CENTERVILLE CITY, STATE OF UTAH, AS FOLLOWS:**

**Section 1. Amendment.** Section 15-1-104 of the Centerville Municipal Code is hereby amended to revise the definition of Flag Lot and Small Subdivision to read as follows:

**15-1-104. DEFINITIONS.**

\* \* \*

(21) "Flag Lot" means an L-shaped lot that has been approved by the City consisting of a staff portion contiguous with the flag portion and used for the sole purpose of developing a single family detached structure. Flag lots are not permitted within the City.

\* \* \*

(45) "Small Subdivision" means a subdivision of not more than 2 lots ~~or a subdivision which includes the use of flag lots that~~ meets the small subdivision waiver allowance criteria.

\* \* \*

**Section 2. Repeal.** Section 15-5-102 of the Centerville Municipal Code is hereby amended to repeal Subsections (9) and (10) regarding flag lot development. Such subsections are hereby repealed in their entirety.

**Section 3. Amendment.** Section 12.36.020 of the Centerville Zoning Code regarding the Table of Uses for Residential Uses is hereby amended to eliminate the use of "flag lot subdivision development" as a permitted use in the Residential-Low (R-L) and the Residential-Medium (R-M) Zones and to list such use as "not permitted" in any zone as follows:

**12.36.020 Table of Uses for Residential Uses**

\* \* \*

Zones															
Residential Uses	A-L	A-M	R-L	R-M	R-H	PF-L	PF-M	PF-H	PF-VH	C-M	C-H	C-VH	I-M	I-H	I-VH
Flag Lot Subdivision Development	N	N	NP	NP	N	N	N	N	N	N	N	N	N	N	N

\* \* \*

**Section 4. Severability.** If any section, part or provision of this Ordinance is held invalid or unenforceable by a court of competent jurisdiction, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts and provisions of this Ordinance shall be severable.

**Section 5. Omission Not a Waiver.** The omission to specify or enumerate in this ordinance those provisions of general law applicable to all cities shall not be construed as a waiver of the benefits of any such provisions.

**Section 6. Effective Date.** This Ordinance shall become effective immediately upon publication or posting, or thirty (30) days after passage, whichever occurs first.

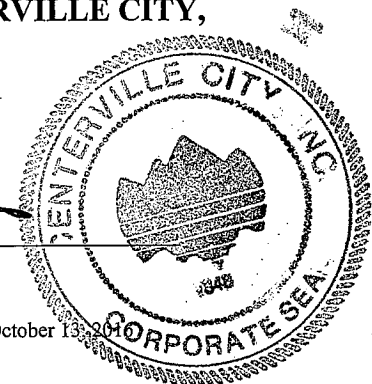
**PASSED AND ADOPTED BY THE CITY COUNCIL OF CENTERVILLE CITY, STATE OF UTAH, THIS 15th DAY OF NOVEMBER, 2016.**

ATTEST:

*Marsha L. Morrow*  
 Marsha L. Morrow, City Recorder

CENTERVILLE CITY

By: *Paul A. Cutler*  
 Mayor Paul A. Cutler



Voting by the City Council:

	"AYE"	"NAY"
Councilmember Fillmore	_____	_____ X
Councilmember Ince	_____ X	_____
Councilmember Ivie	_____ X	_____
Councilmember McEwan	_____ X	_____
Councilmember Mecham	_____ X	_____

**CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING**

According to the provisions of the U.C.A. § 10-3-713, as amended, I, the municipal recorder of Centerville City, hereby certify that foregoing ordinance was duly passed by the City Council and published, or posted at: (1) 250 North Main; (2) 655 North 1250 West; and (3) RB's Gas Station, on the foregoing referenced dates.

Marsha L. Morrow  
MARSHA L. MORROW, City Recorder

DATE: 11/22/2016

RECORDED this 22 day of November, 2016.

PUBLISHED OR POSTED this 22 of November, 2016.