

PARK CITY MUNICIPAL CODE
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TITLE 15 LAND MANAGEMENT CODE - CHAPTER 7

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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 7 - SUBDIVISION GENERAL PROVISIONS

Chapter adopted by Ordinance No. 01-17

**CHAPTER 7 - SUBDIVISION
GENERAL PROVISIONS.**

15-7-1. ENACTMENT.

In order that land may be subdivided, or Lot lines adjusted in accordance with these purposes and policy, these Subdivision regulations are hereby adopted.

15-7-2. PURPOSE.

The purpose of the Subdivision regulations is:

- (A) To protect and provide for the public health, safety, and general welfare of Park City.
- (B) To guide the future growth and Development of Park City, in accordance with the General Plan.
- (C) To provide for adequate light, air, and privacy, to secure safety from fire, flood, landslides and other geologic hazards, mine subsidence, mine tunnels, shafts, adits and dump Areas, and other danger, and to prevent overcrowding of the land and undue congestion of population.

(D) To protect the character and the social and economic stability of all parts of Park City and to encourage the orderly and beneficial Development of all parts of the municipality.

(E) To protect and conserve the value of land throughout the municipality and the value of Buildings and improvements upon the land, and to minimize the conflicts among the Uses of land and Buildings.

(F) To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, schools, parks, playgrounds, recreation, and other public requirements and facilities.

(G) To provide the most beneficial relationship between the Uses of land and Buildings and the circulation of traffic, throughout the municipality, having particular regard to the avoidance of congestion in the Streets and highways, and the pedestrian traffic movements appropriate to the various Uses of land and Buildings, and to provide for the proper location and width of Streets and Building lines.

(H) To establish reasonable standards of design and procedures for Subdivisions, Re-subdivisions, and Lot Line Adjustments, in

order to further the orderly layout and Use of land; and to insure proper legal descriptions and monumenting of subdivided land.

(I) To insure that public facilities are available and will have a sufficient capacity to serve the proposed Subdivision, Re-subdivision, or Lot Line Adjustment,

(J) To prevent the pollution or degradation of air, streams, and ponds; to assure the adequacy of drainage facilities; to safeguard the water table; to minimize Site disturbance, removal of native vegetation, and soil erosion; and to encourage the wise Use and management of natural resources throughout the municipality in order to preserve the integrity, stability, and beauty of the community and the value of the land,

(K) To preserve the natural beauty and topography of Park City and to insure appropriate Development with regard to these natural features, and

(L) To provide for open spaces through the most efficient design and layout of the land, including the Use of flexible Density or cluster-type zoning in providing for minimum width and Area of Lots, while preserving the Density of land as established in the Land Management Code of Park City.

15-7-3. POLICY.

(A) It is hereby declared to be the policy of Park City to consider the Subdivision of land and the subsequent Development or amendment of the Subdivision plat, or the adjustment of Lot lines therein, as subject to the control of Park City pursuant to the

official General Plan of Park City for the orderly, planned, efficient, and economical Development of Park City.

(B) Land to be subdivided or re-subdivided, or Lot lines that shall be adjusted therein, shall be of such character that it can be used safely for Building purposes without danger to health or peril from fire, flood, landslide, mine subsidence, geologic hazards, or other menace, and land shall not be subdivided, re-subdivided, or adjusted until available public facilities and improvements exist and proper provision has been made for drainage, water, sewerage, and capital improvements such as schools, parks, recreation facilities, transportation facilities, and improvements.

(C) The existing and proposed public improvements shall conform and be properly related to the proposals shown in the General Plan, Streets Master Plan, Official Zoning Map, and the capital budget and program of Park City, and it is intended that these regulations shall supplement and facilitate the enforcement of the provisions and standards contained in the adopted Uniform Building and Housing Codes, the Land Management Code, General Plan, Official Zoning Map, and capital budget and program of Park City.

15-7-4. AUTHORITY.

(A) By authority of ordinance of the City Council of Park City, hereinafter referred to as "City Council", adopted pursuant to the powers and jurisdictions vested through Title 10, Chapters 3 and 9a, and Title 17, Chapter 27a of the Utah Code, Annotated (1953, as amended) and other applicable

laws, statutes, ordinances, and regulations of the State of Utah, the City Council hereby exercise the power and authority to review, approve, and disapprove plats for subdividing land within the corporate limits of Park City which show Lots, blocks, or Sites with or without new Streets or highways.

(B) By the same authority, the City Council does hereby exercise the power and authority to pass and approve Development in Subdivisions, Re-subdivisions, or Lot Line Adjustments of land already recorded in the office of the County Recorder if such are entirely or partially undeveloped.

(C) The plat, Subdivision, Re-subdivision or Lot Line Adjustment shall be considered to be void if:

(1) the plat, Subdivision, Re-subdivision, or Lot Line Adjustment has been recorded with the County Recorder's office without a prior approval by the City Council, or in the case of a Lot Line Adjustment, its designated responsible official, or

(2) the plat, Subdivision, Re-subdivision, or Lot Line Adjustment has been approved by the City Council where the approval has been granted more than three (3) years prior to granting a Building permit, on the partially or entirely undeveloped land and the zoning regulations, either bulk or Use, for the district in which the Subdivision is located, have been changed subsequent to the original final plat,

Subdivision, Re-subdivision, or Lot Line Adjustment approval.

(D) A transfer of land pursuant to a void plat is voidable.

(Amended by Ord. No. 06-22)

15-7-5. INTERPRETATION, CONFLICT, AND SEVERABILITY.

(A) **INTERPRETATION.** In their interpretation and Application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

(B) **CONFLICT WITH PUBLIC AND PRIVATE PROVISIONS.**

(1) **PUBLIC PROVISIONS.** These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. Where any provision of these regulations imposes restriction different from those imposed by any other provision of these regulations or any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.

(2) **PRIVATE PROVISIONS.** These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of these regulations are

more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern. Where the provisions of the easement, covenant, or private agreement or restriction impose duties and obligations more restrictive, or higher standards than the requirements of these regulations, or the conditions of the Planning Commission, City Council, or the municipality in approving a Subdivision or in enforcing these regulations, and such private provisions are not inconsistent with these regulations or determinations thereunder, then such private provisions shall be operative and supplemental to these regulations and conditions imposed. Provided, however, that the City does not enforce private covenants.

(C) **SEVERABILITY.** If any part or provision of these regulations or Application thereof to any Person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or Application directly involved in all controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of these regulations or the Application thereof to other Persons or circumstances. The City Council hereby declares that it would have enacted the remainder of these regulations even without any such part, provision, or Application.

(Amended by Ord. No. 06-22)

15-7-6. CONDITIONS.

Regulation of the Subdivision of land and the attachment of reasonable conditions to land Subdivision is an exercise of valid police power delegated by the state to this municipality. The Developer has the duty of compliance with reasonable conditions for design, dedication, improvement, and restrictive Use of the land so as to conform to the physical and economical Development of Park City and to the safety and general welfare of the future Lot Owners in the Subdivision and of the community at large.

15-7-7. VACATION, ALTERATION OR AMENDMENT OF PLATS.

The City Council may, on its own motion, or pursuant to a petition, consider and resolve at a public hearing any proposed vacation, alteration or amendment of a Subdivision plat, or any Street, Lot, alley or public Use Area contained in a Subdivision plat, as provided in Section 10-9a-608 through 10-9a-611 of the Utah Code Annotated (1953) as amended.

(Amended by Ord. No. 06-22)

15-7-8. VARIANCES.

Refer to Section 15-10-9 herein regarding variance procedures.

15-7-9. SAVING PROVISION.

These regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing Subdivision regulations, or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any Person, firm, or corporation, or as waiving any right of the municipality under any section or provision existing at the time of adoption of these regulations, or as vacating or annulling any rights obtained by any Person, firm, or corporation, by lawful action of the municipality except as shall be expressly provided for in these regulations.

15-7-10. ENFORCEMENT.

It shall be the duty of the Planning Director to enforce these regulations and to bring to the attention of the City Attorney any violations or lack of compliance herewith.

(A) No Owner, or Agent of the Owner, of any Parcel of land located in a proposed Subdivision, shall transfer or sell any such Parcel before a plat of such Subdivision has been approved by the Planning Commission and City Council in accordance with the provisions of these regulations, and filed with the County Recorder.

(B) The Subdivision of any Lot or any Parcel of land, by the Use of metes and bounds description for the purpose of sale, transfer, or lease with the intent of evading these regulations, shall not be permitted. However, the City may approve metes and bounds descriptions for purposes of Lot Line Adjustments, resolving conflicting boundary descriptions, and the recombination of historically platted

Properties located within either the Park City/Millsite or Snyder's Addition surveys. All such described Subdivisions shall be subject to all of the requirements contained in these regulations.

(C) No Building Permit shall be issued for the construction of any Building or Structure located on a Lot or plat subdivided or sold in violation of the provisions of these regulations.

(Amended by Ord. No. 06-22)

15-7-11. VIOLATIONS AND PENALTIES.

Any Person, firm, or corporation who fails to comply with, or violates, any of these regulations shall be guilty of a Class B misdemeanor.

(A) **CIVIL ENFORCEMENT.** Appropriate actions and proceedings may be taken by law or in equity to prevent any violation of these regulations, to prevent unlawful construction, to recover damages, to restrain, correct, or abate a violation, to prevent illegal occupancy of a Building, structure or premises, and these remedies shall be in addition to the penalties described above.

15-7-12. AMENDMENTS.

For the purpose of providing the public health, safety, and general welfare, the City Council may from time to time amend the provisions imposed by the Subdivision regulations. Public hearings on all proposed

amendments shall be held by the Planning Commission and City Council in the manner prescribed by law and outlined in the Land Management Code.

**15-7-13. RESERVATIONS AND
APPEALS.**

Upon the effective date of these regulations according to law, any ordinances conflicting with the terms herein, including the Subdivision Ordinance of Park City, Utah, adopted September 20, 1979, as amended, are hereby repealed, except as to such sections expressly retained herein.