

OFFICE OF  
KANE COUNTY PLANNING COMMISSION  
180 West 300 North • (435) 644-4901  
KANAB, UTAH 84741

## NOTE:

# THE KANE COUNTY SUBDIVISION ORDINANCE IS UNDER REVISION:

If you have any questions concerning specific sections,  
contact Planning and Zoning Administrator

Completion: 12-15-07

**KANE COUNTY**  
**SUBDIVISION ORDINANCE**

**REVISED AUGUST 26, 2002**

## **CHAPTER 1. GENERAL PROVISIONS**

### 1-2 Purpose

The purpose of this Ordinance is:

- (1) To promote the health, safety and general welfare of the residents of Kane County.
- (2) To promote the efficient and orderly growth of Kane County.
- (3) To provide policies, procedures, requirements and standards for the physical development of subdivisions of land, construction of buildings, and improvements within Kane County including, but not limited to, the construction and installation of roads, streets, curbs, gutters, drainage systems, water and sewer systems, design standards for public facilities and utilities, accesses to public rights-of-way, dedication of land and streets, the granting of easements or rights-of-way, and to establish fees and other charges for the authorizing of a subdivision.

### 1-2 Scope of Ordinance

- (1) This Ordinance shall not apply to any lot or lots forming a part of a subdivision created and recorded prior to November 16, 1982, except as provided in this section.
- (2) No lot within a subdivision created and recorded prior to November 16, 1982, or approved by the Kane County Planning and Zoning Commission and the Kane County Commission and recorded in the Office of the Kane County Recorder under the provisions of this Ordinance, shall be further divided, rearranged or reduced in area, except as provided in this Ordinance. The boundaries of any lot shall not be altered in any manner, so as to create more lots than initially recorded, or any nonconforming lot, without first obtaining the approval of the Planning and Zoning Commission and the Kane County Commission as provided in this Ordinance.
- (3) No amendment to this Ordinance that imposes a greater burden or obligation than existed immediately prior to such amendment shall affect a subdivision created prior to the effective date of the amendment.
- (4) It is unlawful for any person, builder or developer to receive a building permit until all improvements, as specified in the Development Agreement and construction documents have been installed and accepted in writing by the Kane County Engineer. Improvements shall include, but are not limited to: roads,

water, fire suppression water, power, septic/sewer, drainage system, perimeter fencing, Wild Land Interface requirements. Owner and/or owner's agent, prior to sale of any portion of an approved subdivision, will advise the prospective buyer/builder that building permits will not be issued until all improvements have been completed.

### 1-3 Effect on Previous Ordinance.

The existing Subdivision Ordinance of Kane County, Utah is hereby superceded and amended to read as set forth herein; provided however, that this Ordinance shall be deemed a continuation of the previous Ordinance, and not a new enactment, insofar as the substance of revisions of the previous Ordinance is included, whether in the same or in different language.

### 1-4 Exceptions

Where unusual topographic or other exceptional conditions exist, the Kane County Commission may allow an applicant to vary from the requirements of this Ordinance after receiving the recommendation of the Planning and Zoning Commission, provided that such variances shall not substantially impair the intent of this Ordinance.

### 1-5 Definitions.

Unless the context requires otherwise, the following definitions shall be used in the interpretation and construction of this Ordinance. Words used in present tense include the future; singular numbers shall include the plural, and the plural the singular; the word "building" shall include the word "structure"; the words "used" or "occupied" shall include arranged, designed, constructed, altered, converted, rented, leased or intended to be used or occupied; the word "shall" is mandatory and not directory, and the word "may" is permissive; the word "person" includes a firm, association, organization, partnership, trust, company or corporation, as well as an individual; the word "lot" includes plot and parcel. Words used in this Ordinance but not defined herein shall have the meaning as defined in any other Ordinance adopted by the Kane County Commission.

- (1) Beginning of Construction. Grading or removal of any vegetation or earth from a site for construction of access routes or preparation for excavation of building pads or footings.
- (2) Frontage, Block. All property fronting on one side of the street between intersecting or intercepting streets or between a street and right-of-way, waterway, end of dead-end street, or political subdivision boundaries, measured along the street line. An intercepting street shall determine only one boundary of the frontage on the side of the street which it intersects.
- (3) Frontage, Lot. The lineal measurement of the front lot line.

- (4) Campground. A parcel designated an approved by the County for occupancy by tents, trailers, motor homes or campers on a temporary basis.
- (5) Grade.  
Residential  
Surface drainage shall be diverted to a storm sewer conveyance or other approved point of collection so as to not create a hazard. Lots shall be graded so as to drain surface water away from foundation walls. The grade away from foundation walls shall fall a minimum of six (6) inches within the first ten (10) feet.  
Commercial  
On graded sites, the top of any exterior foundation shall extend above the elevation of the street gutter at point of discharge or the inlet of an approved drainage device a minimum of twelve (12) inches plus two percent (2%). Alternate elevations are permitted subject to the approval of the Kane County Building Inspector, provided it can be demonstrated that required drainage to the point of discharge and away from the structure is provided at all locations on the site.
- (6) Irrigated Land. Parcels that have surface or underground water diverted continuously or intermittently upon them for the production of crops or pasture, through the utilization of man-made improvements.
- (7) General Plan. A long range policy plan prepared and adopted by the Kane County Commission to guide County growth.
- (8) Off-site Facilities. Improvements not on individual lots but generally within the boundaries of the subdivision which they serve.
- (9) Official Map. The official map or maps adopted by Kane County pursuant to the county zoning and planning enabling legislation.
- (10) On-site Facilities. Construction or placement of the dwelling and its appurtenant improvements on a lot.
- (11) Parcel of Land. Contiguous land owned by and recorded as the property of a person. Land in one ownership but physically divided by a public highway, road or street is considered contiguous under this definition.
- (12) Person. A firm, association, organization, partnership, company or corporation or any legal entity entitled to own property as well as an individual.

- (13) Plot Plan. Plat of a lot, drawn to scale, showing such information as may be required by the Kane County Planning Commission.
- (14) Protection Strip. A strip of land between the boundary of a subdivision and street within the subdivision, for the purpose of controlling the access to the street by property owners abutting the subdivision.
- (15) Streets.
  - a. Street - A thoroughfare which has been dedicated and accepted by the County, which the County has acquired by prescriptive right or which the County owns, or offered for dedication on an approved final plat, or a thoroughfare of at least 28 feet in width which has been abandoned or made public by right of use and which affords access to abutting property, including highways, roads, lanes, avenues and boulevards.
  - b. Street, Major - A street, existing or proposed, which serves or is intended to serve as a major traffic way and is designated on the master street plan as a controlled-access highway, major street, parkway or other equivalent term to identify those streets comprising the basic structure of the street plan.
  - c. Street, Collector - A street, existing or proposed, which is the main means of access to the major street system.
  - d. Street, Minor - A street, existing or proposed, which is supplementary to a collector street and of limited continuity which serves or is intended to serve the local needs of a neighborhood.
  - e. Street, Marginal Access - A minor street which is parallel to and adjacent to a limited access major street and which provides access to abutting properties and protection from through traffic.
  - f. Street, Private - A thoroughfare within a subdivision which has been reserved by dedication unto the subdivider or lot owners to be used as private access to serve the lots platted within the subdivision and complying with the adopted street cross section standards of Kane County and maintained by the subdivider or other private agency.
- (16) Subdivider. Any person, developer, firm, corporation, partnership or association who causes land to be divided into a subdivision for himself or others.
- (17) 1. Subdivision. Any land that is divided, re-subdivided, or proposed to be divided into two or more lots, parcels, sites, units, plots or other divisions

of land for the purpose, whether immediate or future, for offer, sale, lease, or development, either on the installment plan or upon any and all other plans, terms and conditions.

2. Subdivision includes the division or development of land whether by deed, metes and bounds description, devise of testacy, lease, map, plat, or other recorded instrument.
  3. Subdivision does not include:
    - i. a bona fide division or partition of agricultural land for agricultural purposes.
    - ii. a recorded agreement between owners of adjoining properties adjusting their mutual boundary if:
      - a. No new lot is created; and
      - b. the adjustment does not result in a violation of applicable zoning ordinances.
    - iii. a recorded document, executed by the owner of record, revising the legal description of more than one contiguous parcels of property into one legal description encompassing all such parcels of property; or
    - iv. a bona fide division or partition of land in purpose of siting, on one or more of the resulting separate parcels, an unmanned facility appurtenant to a pipeline owned or operated by a gas corporation, interstate pipeline company, or intrastate pipeline company.
      - a. an unmanned facility appurtenant to pipeline owned or operated by a gas corporation, interstate pipeline company, intrastate pipeline company; or
      - b. an unmanned telecommunications, microwave, fiber optic electrical, or other utility service regeneration, transformation, retransmission, or amplification facility.
  4. The joining of a subdivided parcel of property to another parcel of property that has not been subdivided does not constitute a “subdivision” under this subsection as to the unsubdivided parcel of property or subject the unsubdivided parcel to the County’s subdivision ordinance.
- (18) Vicinity Plan. A map or drawing to scale showing the physical relationship of the proposed development to existing or proposed streets, buildings and utilities; other relevant information such as special terrain or surface drainage; and existing zoning classification of all land within 300 feet of the property proposed for

development.

- (19) **Zone Clearance.** Assurance in writing by the Kane County Building Official that a proposed activity is in compliance with existing Zoning regulations.
- (20) **Non-Public Water System.** Any potable water system that is subject to the rules of the Southwest Utah Public Health Department, which is any potable water system that serves less than 15 lots or less than 25 people.
- (21) **Public Water System.** Any potable water system that is subject to the rules of the Utah Department of Environmental Quality, which is any potable water system that serves 15 or more lots or an average of 25 or more people at least 60 days per year.

## CHAPTER 2. ENFORCEMENT, PERMITS, AND FEES

### 2-1 Building Official to Enforce.

The Building Official is hereby authorized as the officer charged with the enforcement of this Ordinance. The Building Official shall enforce all the provisions of this Ordinance.

### 2-2 Permits.

- (1) No permit shall be granted for the construction or alteration of any building or structure on any parcel of land which has been subdivided in violation of this Ordinance.
- (2) No permit shall be granted for the construction or alteration of any residential or commercial building or structure on any parcel of land unless:
  - a. The parcel has a recorded means of access of at least 26 feet in width.
  - b. The applicant submits proof of, and provides onsite verification of, an adequate, approved water supply system as follows:
    1. valid, legal right to hook up to an approved public or non-public water system;
    2. valid, legal, private onsite well right and well, approved for domestic use; or
    3. water storage capacity of at least 2, 000 gallons in a tank certified for domestic use, and satisfactory proof of a water hauling contract or capability using a tank having a hauling capacity of at least 300 gallons, and a water source approved for domestic use.
  - c. If the structure will not be connected to a public sewer system, septic tank approval has been obtained from the Southwest Utah Board of Health.
  - d. The parcel and proposed improvements comply with all other provisions of the Kane County Zoning Ordinance.

- e. The applicant acknowledges that the access will not be maintained by Kane County unless and until it is dedicated to, and accepted by, Kane County.
- f. The applicant acknowledges that no fire protection is provided or guaranteed by Kane County.

### 2-3 Inspections.

The building official or other designated county representative shall inspect or cause to be inspected all buildings, fire hydrants and water supply, and sewage disposal systems in the course of construction, installation or repair. Excavations for fire hydrants and water and sewer mains and laterals shall have been approved by an engineer designated by Kane County. If any such installation is covered before being inspected and approved, it shall be uncovered after notice to uncover has been issued to the responsible person by the building official.

### 2-4 Form of Agreement.

Prior to any final approval of a subdivision, the subdivider shall enter into an agreement with Kane County which shall be in substantially the following form:

#### AGREEMENT

This Agreement is made by and between

\_\_\_\_\_ (hereafter "Subdivider") and Kane County.

Subdivider hereby acknowledges receipt of a copy of the Kane County Subdivision Ordinance. Subdivider hereby acknowledges that he or she has read the Subdivision Ordinance (or that an agent of Subdivider has read the Subdivision Ordinance), and that he or she understands the provisions of the Subdivision Ordinance, and that he or she will fully and completely comply with the provisions and requirements therein contained to the best of his or her ability.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

The form of a corporate or partnership signature shall include a provision for a notary in which the subdivider represents that the person signing for the corporation has the authority to execute the agreement for the corporation or partnership.

### 2-5 Fees.

At the time of filing for any platting, zoning or subdivision action, a non-refundable fee must be submitted, payable to Kane County, in accordance with the currently adopted fee schedule as adopted by the Kane County Commission.

## CHAPTER 3. PROCEDURES FOR PRE-APPLICATION

### 3-1 Pre-Application Process.

- (1) Subdividers shall submit a Sketch Plan to the Kane County Planning Commission as part of the pre-application process prior to the submission of a Preliminary Plat. The Sketch Plan is intended to enable the subdivider and the Kane County Planning Commission to have an informal preliminary review along with input from the Recorder and Building Official and others of the site plan for general scope and conditions which might affect the plan. For large areas where development is anticipated over an extended period of years, the Sketch Plan shall show the area for which preliminary plan approval will be requested for the first phase of development and also show a concept sketch map of the entire property and its environs. The concept sketch map will have no official standing or approval. It shall be amended or modified from time to time by the subdivider as deemed appropriate. This Sketch Plan as well as other submittals shall be received by the Kane County Planning Commission or an authorized representative.
- (2) This Sketch Plan shall include the following:
  - a. The general location of the subdivision and the property boundaries of the proposed subdivision area, date, outlined in red, true North and designated public access. It should show significant natural and man-made features on the site and within one-half mile of any portion.
  - b. Where a non-public water system is proposed, a letter of approval from the Southwest Utah Public Health Department which approval shall include documentation of water rights and of historic water use. Where a public water system is proposed, a letter of approval from the Utah Department of Environmental Quality
  - c. Type of sewer or sanitary wastewater system proposed, as approved by the Southwest Utah Public Health Department and/or the Utah Department of Environmental Quality
  - d. Acreage of the entire tract as well as the number of lots and the average size of the lots.
  - e. Brief written statement or oral presentation in sufficient detail that the intent of the subdivider is clear to those who review the proposals

## 2 Planning Commission Role.

The Kane County Planning Commission shall advise the subdivider of possible problems with the proposed subdivision within 30 days after it receives the Sketch Plan. Approval of the Sketch Plan shall not constitute approval of the Preliminary Plat. The Sketch Plan shall be good for one year. Thereafter, approval of the Sketch Plan will have expired unless a Preliminary Plat has been submitted to the Kane County Planning Commission.

## CHAPTER 4. PRELIMINARY PLAT

### 4-1 General Requirements

Copies of all required materials for Preliminary Plat review shall be submitted to the Kane County Planning and Zoning Administrator by the developer/subdivider or their authorized representative a minimum of 21 days prior to the Kane County Planning and Zoning Commission's meeting date at which the Preliminary Plat is to be reviewed.

### 4-2 Required General Submission Items: Administrative

- a.) One copy of Application for Subdivision and Planned Unit Development
- b.) Subdivision and Planned Unit Development Deposit
- c.) Wildland Urban Interface Code Subdivision Fees
- d.) Agreement - Subdivision and Planned Unit Development
- e.) Statement of taxes and assessments paid
- f.) Certificate of Title Insurance
- g.) Articles of Incorporation (LLC, Partnership or Corp.)
- h.) Notarized Affidavit that applicant is the owner or authorized by the owner to make application for the proposed land to be subdivided
- i.) Signed Proposed Deed Restrictions
- j.) Development Agreement Draft
- k.) Engineers Cost Estimate
- l.) Soils and Maps Report
- m.) 2 Copies of On-Lot Disposal Report
- n.) Letters of Feasibility/Will Serve Letters (As Applicable)
  - 1.) Water System (Southwest Utah Public Health Department, Utah Department of Environmental Quality or Kane County Water Conservancy District, etc.
  - 2.) Sewage Treatment from Southwest Utah Public Health Department or Utah Department of Environmental Quality
  - 3.) Telephone
  - 4.) Garkane Energy
  - 5.) Solid Waste Disposal
  - 6.) Access - Utah Department of Transportation and/or Kane County
  - 7.) Other (as requested)

4-3 Submitted Drawing Requirements

- a.) 3 Copies of Preliminary Plat Map (24" x 36")
- b.) The accuracy of location of alignments, boundaries and monuments shall be keyed to USGS monuments and certified by a registered land surveyor licensed to do such work in the State of Utah. The plat map shall be done in a professional manner with all of the requirements clearly shown. Poorly drawn, illegible or incomplete plat maps is sufficient cause for rejection.
- c.) The plat map shall be drawn to a scale not less than one inch equals 50 feet, if feasible, and shall indicate the basis of bearings, true north point, name of subdivision, name of county, township, range, section and quarter section, block and lot number of the proposed subdivision, keyed to USGS survey monuments.
- d.) Location and vicinity map (on plat)
- e.) Drawing requirements
  - 1.) Area map showing area + 1/2 mile
  - 2.) Traverse map of subdivision
  - 3.) Lot and Street Layout
  - 4.) Dimensions of all lots
  - 5.) Total acreage and legal description
  - 6.) Lots-numbered consecutively
  - 7.) Location and names of existing and proposed easements
  - 8.) Existing and proposed street names
  - 9.) Drainage direction for existing and proposed streets
  - 10.) All fence lines
  - 11.) Heavily-wooded areas located
  - 12.) Site to be reserved or dedicated for public use
  - 13.) Sites listed to be used for non-single-family dwellings
  - 14.) Dedicated Public Space
  - 15.) Signature Blocks
- f.) Overall Site Plan Requirements
  - 1.) Future street layout for area not being subdivided (Phased Subdivision and Planned Unit Development)
  - 2.) Water courses and proposed drainage systems
  - 3.) 100 year flood boundaries
  - 4.) Existing buildings, easements or utilities within 200 feet
  - 5.) Location and size of proposed utilities
  - 6.) Any other covenants, easements or restrictions
- g.) Summary Statement (On Plat)
  - 1.) Total development area
  - 2.) Number of proposed dwelling units
  - 3.) Total number of square feet in non-residential floor space
  - 4.) Total number of off-street parking spaces
  - 5.) Amount of water per lot
  - 6.) Estimated gallons per day of sewage
  - 7.) Survey notes of perimeter survey

#### 4-4 Review Procedure

When the preliminary plat and all documentation has been received, reviewed and approved by the Planning and Zoning Administrator and Kane County Engineer, it shall be placed on the Kane County Planning and Zoning Commission's agenda for review with-in 45 days

- a.) See Preliminary Plat Review and Approval Flow Chart

#### 4-5 Planning and Zoning Commission Approval

- a.) The Kane County Planning and Zoning Commission shall approve only those preliminary plats which it finds have been developed in accordance with the standards and criteria specified in this ordinance and all other ordinances and laws of Kane County and the State of Utah; including but not limited to, Land Use Ordinances, General Plan and Transportation Plan.
- b.) At a public meeting the Planning and Zoning Commission may approve, approve with conditions, table for consideration when additional information has been provided or disapprove the Preliminary Plat. In the event that the Kane County Planning and Zoning Commission disapproves a Preliminary Plat, it shall state, in writing, within 30 days to the developer/subdivider the reason for disapproval via certified mail, return receipt requested.

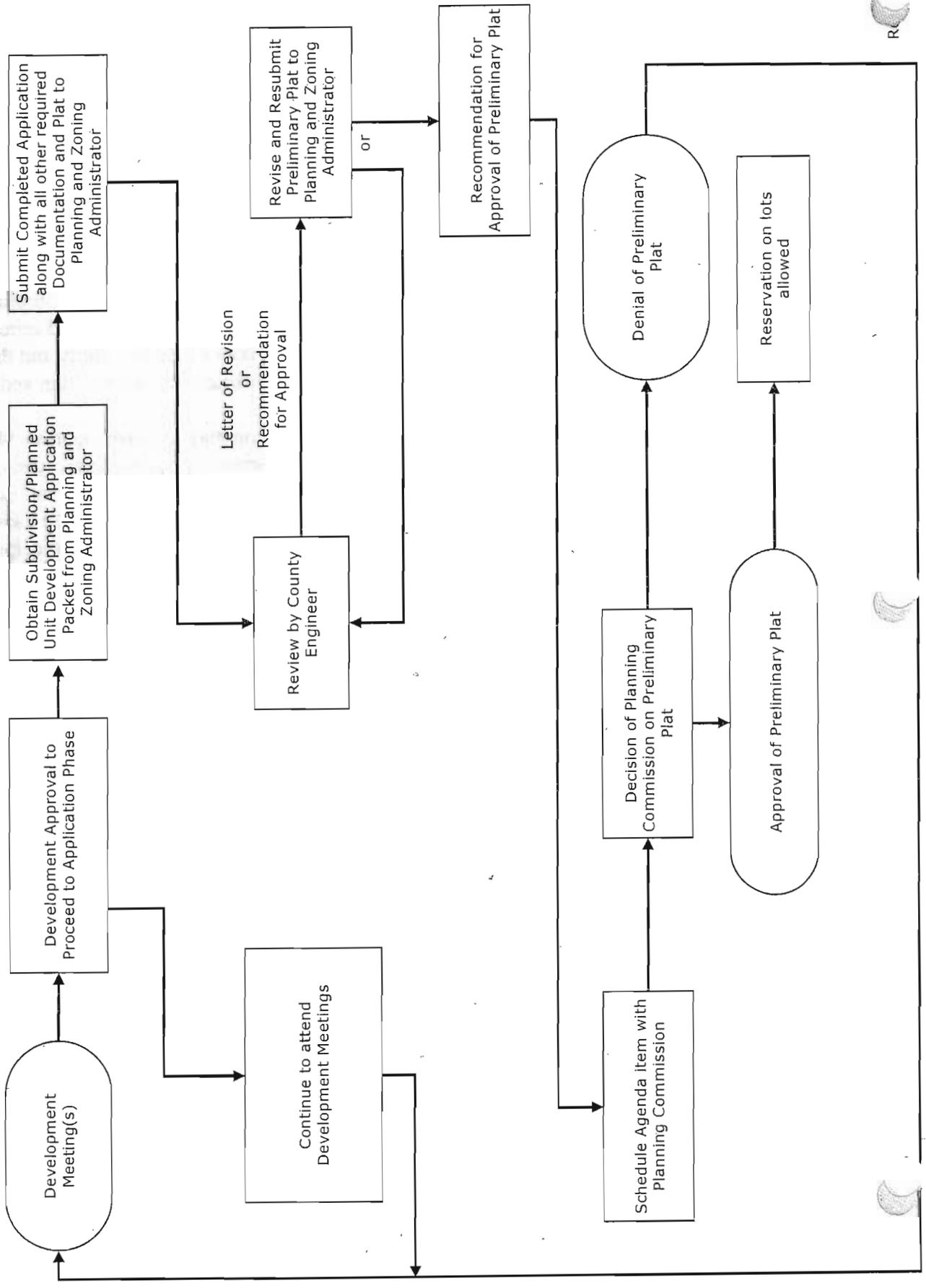
#### 4-6 Site Construction

- a.) No infrastructure site work may be started, even with preliminary plat approval, until construction drawings are submitted and approved by the Kane County Engineer.
- b.) Failure to comply will be punishable as a Class B Misdemeanor with a \$100/day fine until situation is rectified.

# PRELIMINARY PLAT REVIEW AND APPROVAL PROCEDURE

FOR

## KANE COUNTY PLANNING AND ZONING COMMISSION



## CHAPTER 5

## FINAL PLAT

### 5-1 General

- a.) A final plat may be submitted once all provisions of Chapter 4 (Preliminary Plat) have been met. The final plat of the subdivision or planned unit development may encompass all or part (see Phased Development) of the preliminary plat. The final plat shall be presented to the Kane County Planning and Zoning Commission for review within one year after preliminary plat approval, otherwise preliminary plat approval shall be withdrawn and re-application will be required.
- b.) The submitted final plat shall conform in all major respects to the preliminary plat as previously approved and or modified by the Kane County Planning and Zoning Commission.
- c.) The developer/subdivider has a maximum of two (2) years from date of recording of final plat to complete the infrastructure as described in the development agreement. If the developer/subdivider has not completed the infrastructure after two years, Kane County may make claim to whichever form of surety that has been provided in order to complete the infrastructure.

### 5-2 Phased Subdivision and Planned Unit Developments

- a.) The final platting of subdivisions and planned unit developments can be done in phases. Each phase shall consist of a minimum of 25 percent of the total number of lots or area of a planned unit development.
- b.) When the infrastructure is 100 percent complete and operable and approved by the Kane County Engineer within the phase in progress, the developer/subdivider may submit the next phase of the development in accordance with the provisions of this ordinance.

### 5-3 Acceptance of Streets and other Public Land Dedication

Acceptance of dedication of proposed public lands or street right-of-way in an approved plat can be made only by the Kane County Commissioners. Plat approval will be deemed as acceptance of dedication unless streets and other public spaces are shown as "not intended for dedication."

### 5-4 Required General Submission Items:

- a.) Administrative
  - 1.) Mylar copy of approved final plat (for signatures)
  - 2.) 4 copies of approved and signed final plat

- 3.) 4 copies of approved construction drawings and documents
  - a.) Storm Water Pollution Prevention Plan
- 4.) 4 copies of approved Wildland Urban Interface Site Plan
- 5.) 3 copies of executed development agreement
- 6.) 1 copy CC &R's
- 7.) Payment and performance bond, escrow deposit or letter of credit

b.) Drawing Requirements

- 1.) Boundary bearings and distances data outside boundary
- 2.) Lots numbered consecutively
- 3.) Curve data: radius, angle, tangent, length
- 4.) Excluded parcels marked as such
- 5.) All streets to be named
- 6.) Bearings and distances of all streets
- 7.) Parcels not included marked NAPOTS
- 8.) Adjacent streets shown and dimensioned
- 9.) Adjacent fences shown
- 10.) All easements to be labeled and dimensioned
- 11.) All land with boundaries to be accounted for
- 12.) All dimensions to be to 0.01' and 0'000'00
- 13.) Location of perc test trenches
- 14.) Name of subdivision
- 15.) North arrow
- 16.) Basis of bearing
- 17.) Name and address of owners of record
- 18.) Total acreage of subdivision
- 19.) Total number of lots
- 20.) Legal description of entire subdivision
- 21.) Township, range, section and quarter section
- 22.) Graphic scale
- 23.) Required monuments
- 24.) County Engineer's signature block
- 25.) County Surveyor's signature block
- 26.) County Attorney's signature block
- 27.) Planning Commission's signature block
- 28.) County Commission's signature block
- 29.) Signature(s) of owner(s) (notarized) block
- 30.) County Recorder's recording block
- 31.) Lender's signature block (or "Consent to Plat" form)

c.) Digital Data Submittal

- 1.) Auto CAD.DWG File of GIS SHPE File
- 2.) File to contain all parcel lines and reference monuments

3. Data file to be GEO referenced to Utah State Plane South Grid Coordinate System or Ground Coordinate System including ground scale factor

5-5 Planning and Zoning Commission Review

- a.) After review and approval of the final plat drawing and receipt of required documents by the Planning and Zoning Administrator and County Engineer, the Kane County Planning and Zoning Commission will review the final plat, at a regularly scheduled, publicly noticed public meeting.
- b.) Within seven working days after review of the final plat, the Kane County Planning and Zoning Commission will forward a written notification of its review to the Kane County Commission.

5-6 County Commission Review

- a.) The Kane County Commission shall review the final plat within 30 days of notification of review by the Kane County Planning and Zoning Commission at a regularly scheduled public meeting. If the Kane County Commission determines that the final plat drawing and documentation meets with the Kane County Land Use Ordinance, Subdivision Ordinance and Standard Specifications for Design and Construction, they may grant approval.

5-7 Final Plat Recording

- a.) The developer/subdivider or his agent shall record the approved final plat within ten working days of approval by the Kane County Commission. The Kane County Planning and Zoning Administrator shall maintain custody of the final plat Mylar until all signatures have been obtained (with exception of the Recorder), at which time he will notify the developer/subdivider that the plat is ready to be recorded.
- b.) **NO BUILDING PERMITS WILL BE ISSUED UNTIL THE INFRASTRUCTURE IS COMPLETED, PER THE DEVELOPMENT AGREEMENT AND APPROVED BY THE KANE COUNTY ENGINEER IN WRITING.**

5-8 Final Plat Distribution

- a.) Mylar - Kane County Recorder
- b.) One signed copy - Planning and Zoning Administrator
- c.) One signed copy - Kane County Engineer
- d.) One signed copy - Kane County Building Department
- e.) One signed copy - Developer/Subdivider

5-9 Vacating or Amending a Subdivision or Planned Unit Development Plat

- a.) General Requirements: Copies of all required materials for vacating or amending a subdivision or Planned Unit Development shall be submitted to the Kane County Planning and Zoning Administrator by the owner(s) of the property or person having Power of Attorney to act in behalf of the owner, a minimum of 21 days prior to the Kane County Planning and Zoning Commission's meeting date at which the action is to be reviewed.
- b.) Submission Items
  - 1.) Application and fees
  - 2.) Notarized affidavit that applicant is owner or authorized by the owner to make application for proposed plat amendment or abandonment
  - 3.) Provide names and addresses of all property owners within said plat.
  - 4.) Three copies of plat map
    - a.) Amended Plat Map Requirements (Re: 5-4 b.) 1 thru 30.
    - b.) Vacated Plat Map Requirements:
- c.) Planning and Zoning Commission Review
  - 1.) After review and approval of the abandonment or amended plat drawing and receipt of required documents by the Planning and Zoning Administrator and County Engineer, the Kane County Planning and Zoning Commission will review the abandonment or amended plat at a regularly scheduled, publicly noticed public hearing within 45 days.
  - 2.) Within seven working days after review of the abandonment or amended plat, the Kane County Planning and Zoning Commission will forward a written notification of its review to the Kane County Commission.
- d.) County Commission Review
  - 1.) The Kane County Commission shall review the abandonment or amended plat within 30 days of notification of review by the Kane County Planning and Zoning Commission at a regularly scheduled public meeting. If the Kane County Commission determines that the plat drawing and documentation meets with the Kane County Land Use Ordinance, Subdivision Ordinance and Standard Specifications for Design and Construction, they may grant approval.

e.) Final Plat Recording

- 1.) The owner or his agent shall record the approved abandonment or amended plat within ten working days of approval by the Kane County Commission. The Kane County Planning and Zoning Administrator shall maintain custody of the amended plat Mylar until all signatures have been obtained (with exception of the Recorder), at which time he will notify the owner or agent that the plat is ready to be recorded.

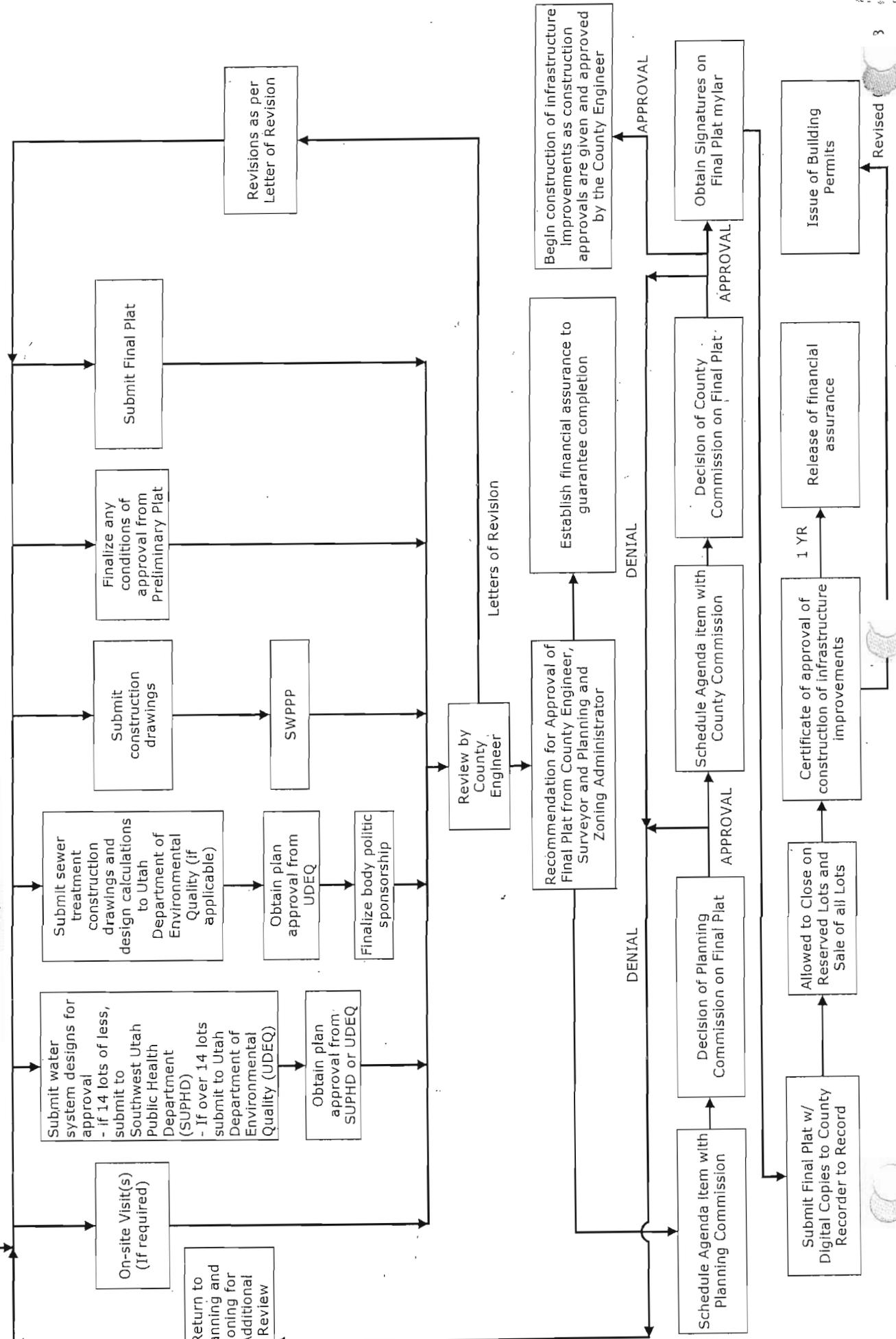
f.) Plat Distribution

- 1.) Mylar - Kane County Recorder
- 2.) One signed copy - Planning and Zoning Administrator
- 3.) One signed copy - Kane County Engineer
- 4.) One signed copy - Kane County Building Department
- 5.) One signed copy - Owner/Agent



# FINAL PLAT APPROVAL PROCEDURE FOR KANE COUNTY PLANNING COMMISSION

Preliminary Plat Approval



## CHAPTER 6. ACCEPTANCE OF DEDICATED STREETS AND PUBLIC IMPROVEMENTS

### 6-1 Dedication.

The subdivider shall dedicate the streets, easements and other public improvements to Kane County at the time the Final Plat is approved by the County. The dedication shall be deemed an offer by the subdivider which shall be irrevocable until one year after all of the improvements are completed. The County shall accept the offer of dedication only if it finds that the subdivider has constructed, installed and maintained the public improvements required by this Ordinance and that the improvements comply with the minimum standards and requirements of this Ordinance and the Kane County Specifications for Design and Construction at the time of acceptance.

### 6-2 Time of Acceptance.

Unless the Kane County Commission extends the time for acceptance of the dedicated public improvements, the dedication shall be accepted on action by the Kane County Commission, or at the expiration of one year following the completion of the public improvements. In the event the Kane County Commission does not accept the dedicated public improvements, the subdivider shall be so advised in writing and of the reason for the non-acceptance.

## CHAPTER 7. DESIGN STANDARDS

### 7-1 General Provisions.

All subdivisions must comply with the following standards:

- (1) The design and development of subdivisions shall preserve insofar as possible the natural terrain, natural drainage, existing topsoil and trees.
- (2) Land subject to hazardous conditions such as slides, mud flows, rock falls, snow avalanches, possible mine subsidence, shallow water table, open quarries, floods, abandoned land fills, and polluted or non-potable water supply shall be identified and shall not be subdivided until the hazards have been eliminated or will be eliminated by the subdivision and construction plans.
- (3) The Kane County Standard Specifications for Design and Construction.

### 7-2 Lots.

- (1) All lots shown on the subdivision plan shall conform to the minimum requirements of the Kane County Zoning Ordinance for the zone in which the subdivision is located, and to the minimum requirements of the engineer and the Southwest Utah Health Department for sewage disposal. The minimum width for any residential building lot shall be as required by the Kane County Zoning Ordinance.
- (2) All lots shall abut a dedicated street, a public street, or a street which has become public by right of use. Streets shall be at least 28 feet wide. In the event a lot abuts a public right-of-way created by use, the subdivider shall improve the right-of-way to the standards required by this Ordinance.
- (3) Corner lots shall have extra width sufficient for maintenance of required building lines on both streets.
- (4) Side lines of lots shall be at right angles or radial to the street line.
- (5) All remnants of lots less than minimum size left over after subdividing a larger tract shall be added to adjacent lots rather than allowed to remain lot remnants.

- (6) Where the land in a subdivision includes two or more parcels in separate ownership and the lot arrangement is such that a property ownership line divides one or more lots, the land in each lot so divided shall be held in either single or joint ownership before approval of the final plan and such ownership shall be recorded in the office of the Kane County Recorder
- (7) No single lot shall be divided by a municipal or county boundary.
- (8) A lot shall not be divided by a road, alley or other lot.
- (9) No wedge-shaped lot shall be less than 30 feet in width at the front property line, or the lot frontage required by the Zoning Ordinance, whichever is larger
- (10) Side lot lines shall be at substantially right angles or radial to street lines. Where lot lines are not at right angles to the street lines, this shall be shown.
- (11) All residential lots in subdivisions shall front on a public street, or on a private street or court approved by the Kane County Planning Commission and the Kane County Commission, except as may be approved for Planned Unit Developments, cluster subdivisions or other special dwellings.

7-3 Streets.

- (1) Minor streets shall be laid out to discourage through traffic.
- (2) Stub streets shall be provided where needed to connect to adjacent undeveloped land and new streets must be provided where needed to connect to existing stub streets in adjacent subdivision. Not more than three (3) lots shall front stub streets, except where a temporary cul-de-sac turnaround side is provided.
- (3) Intersections of minor streets with major streets shall be kept to the minimum.
- (4) Streets shall have the following minimum right-of-way widths:
  - a. Principal arterial: federal and state standards.
  - b. Minor arterial: federal and state standards.

- c. Major Collector: minimum of 82 feet.
- d. Minor Collector: minimum of 66 feet or as required by state standards.
- e. Major street: a minimum of 82 feet, or as required by state and federal standards or by the Kane County Planning Commission.
- f. Collector street: 66 feet.
- g. Minor streets and frontage road: 50 feet.
- h. Private street or road: as required by the Planning Commission but not less than 50 feet.

(5) Streets shall have the following roadway widths (face of curb to face of curb):

- a. Principal arterial: federal and state standards.
- b. Minor arterial: federal and state standards.
- c. Major Collector: minimum of 48 feet or as required by state standards.
- d. Minor Collector: minimum of 26 feet or required by state standards.
- e. Major street: minimum of 56 feet, or as required by state and federal standards.
- f. Collector street: 44 feet
- g. Minor street or frontage road: 26 feet.
- h. Ten foot shoulders shall be provided where there are not curbs installed.
- i. Private street or road: as required by the Kane County Planning Commission.

(6) Half Streets: no half-streets are permitted, except if required to complete a half-street already existing, or if approved by the Kane County Planning Commission and the Kane County Commission.

- (7) Dead-end Streets including stub streets, shall be permitted or required by the Kane County Planning Commission only to provide future access to adjoining property, except for dead-end street systems in cluster subdivisions, Planned Unit Developments, condominium developments, or similar special projects.
- (8) Permanent cul-de-sac streets serving no more than six lots, and not more than 325 feet long, whichever is more restrictive, may be permitted and shall be provided with a right-of-way at the turnaround of 50 feet radius or more, and the outside curb or pavement edge radius shall be 40 feet or more.
- (9) No more than four streets shall enter an intersection.
- (10) Streets should intersect at 90 degrees. All others may be designed only with approval of the Kane County Planning Commission.
- (11) Two subordinate streets meeting a through street from opposite sides shall meet at the same point, or their centerlines shall be offset at least 200 feet.
- (12) Streets shall have the names of existing streets which are in alignment. There shall be no duplication of street names within the area. All street names shall be approved by the Kane County Planning Commission. Permanent signs shall be installed by developer at his expense at time of installation of other off-site improvements.

#### 7-4 Curvature and Alignment.

- (1) To ensure adequate sight distances, when street roadway lines deflect more than five degrees, connection shall be made by horizontal curves. The minimum centerlines radii for minor streets shall be 150 feet and of all other streets shall be 300 feet. On collector and major streets a minimum tangent of 100 feet shall be required between a curve and a street intersection; a minimum tangent of 100 feet shall be required between reverse curves. This shall be limited to a maximum of 13.5 degree curve.
- (2) Vertical curves shall be used at all changes of grades and exceeding 1% and shall be designed to provide minimum sight distances of 200 feet for minor streets and 300 feet for all other streets, except that vertical curves for major streets shall be as determined by the current specifications of the State of Utah.

- (3) Where a residential subdivision abuts a major highway, frontage roads may be required.

#### 7-5 Roadbed Construction.

Minimum roadbed grading and paving for minor, collector and major streets, local access roads, collectors and arterials shall be established by the Kane County Commission after adequate input from the County Engineer. Reduction of such roadway grading and paving may be approved by the Kane County Planning Commission and Kane County Commission for justifiable design reasons. Ten foot shoulders shall be provided where curbs are not installed.

#### 7-6 Road Grades.

All road and street grades shall be designed as follows:

- (1) Major and Collector Roads or Streets: Limited to a maximum grade of 8%. Sustained grades shall be limited to 5% percent.
- (2) Minor Roads or Streets: Limited to a maximum grade of 10% Sustained grades shall be limited to 7%.
- (3) Cul-de-sacs: Those with a negative grade progressing toward the turnaround shall terminate with a grade of not to exceed 3% for the last 100 feet of traveled surface. The cul-de-sac shall have adequate easement for drainage.
- (4) Street Intersections: These shall have a vertical alignment such that the grade shall not exceed 3% percent for a minimum distance of 50 feet each way from the centerline of the intersection.
- (5) Maximum Grades: Approved only when accompanied by changes to a lesser grade, and where length of that portion of that road to maximum grade is less than 600 feet.
- (6) Vertical Alignment: All vertical curves shall be with minimum length of 200 feet. for minor streets and 300 feet for major streets.
- (7) Mountain Roads: Be designed so that they can be safely negotiated.

#### 7-7 Block Standards.

Block lengths shall be reasonable as approved by the Kane County Planning Commission and in total design shall provide for convenient access and circulation for emergency vehicles.

#### 7-8 Pedestrian Cross-Walks.

Where blocks exceed 1000 feet in length, pedestrian rights-of-way of not less than 10 feet in width may be required by the Kane County Planning Commission through blocks where needed for adequate pedestrian circulation. Walk improvements (paving) of not less than five feet in width shall be placed within the rights-of-way, as required by the Kane County Planning Commission.

#### 7-9 Easement Standards.

- (1) Easements shall follow rear and side lot lines whenever practical and shall have a minimum total width of 15 feet apportioned equally in abutting properties.
- (2) Where front-line easements are required, a minimum of 15 feet shall be allocated as a utility easement. Perimeter easements shall not be less than 15 feet in width, extending throughout the peripheral area of the development, if required by the Kane County Planning Commission.
- (3) All easements shall be designed so as to provide efficient installation of utilities or street planting.
- (4) All exterior perimeters of subdivisions shall be fenced with a livestock fence appropriate for the area.
- (5) Unless the Kane County Planning Commission and Kane County Commission determine, upon application by a subdivider, supported by recommendation of the County Engineer, that it is not feasible to do so, all power lines, telephone lines, and other normally overhead utility lines shall be placed underground by the subdivider.

#### 7-10 Alleys.

The Kane County Planning Commission may approve service access to the interior of blocks in certain instances, in which case alleys must be indicated on the plan and plat.

#### 7-11 Sanitary Sewage Disposal.

- (1) Except as otherwise provided below, the subdivider shall provide, or have provided, an approved piped sanitary sewage system to the property line of every lot in the subdivision. The sewage system shall meet the minimum standards and requirements of the State Department of Environmental Quality. Certification of compliance shall be provided to the Kane County Planning Commission by the subdivider.
- (2) All subdivisions, and all phases of subdivisions, proposing onsite wastewater disposal systems, which did not acquire onsite wastewater disposal feasibility approval before December 9, 1997, shall comply with the Southwest Utah Public Health Department's Wastewater Ordinance effective that date. Septic tanks and/or sealed vaults will be approved only when an existing sanitary sewer system is more than one-half mile from the boundary of the subdivision
- (3) Where the Kane County General Plan or other plans indicate that construction or extension of sanitary sewers may serve the subdivision area within a reasonable time, the Kane County Planning Commission may require the installation and capping of sanitary sewer mains and house connections by the subdivider in addition to the installation of temporary individual on-lot sanitary disposal systems by the subdivider or lot purchaser. Whenever individual on-lot sanitary sewage disposal systems are proposed, the subdivider shall install such facilities at the time the principal building is constructed, and no building permit shall be issued until such installation is assured. In all other cases, sanitary sewage disposal facilities shall be provided for every lot or parcel by a complete community or public sanitary system.

#### 7-12 Water Supply.

All culinary water systems and plans, whether public or private, shall conform with county ordinances, including but not limited to this Ordinance and the Kane County Standard Specifications for Design and Construction, and shall be approved by the appropriate state and local authorities.

#### 7-12 (1) Fire Flow and Line Size Standards.

(i) In low density residential areas fire flow from each fire hydrant shall be a minimum of 1000 gallons per minute for a period of time not less than thirty (30) minutes adjusted to a 20 psi residual pressure. This fire flow (but not storage) may be reduced by 50%, in a subdivision which cannot meet the requirements in over half of its lots due to topography in a portion of the project and not in another, by installing residential fire sprinkling systems in homes whose closest hydrant does not meet the 1000 gallon per minute flow, provided

REWORD  
TO  
NOT  
ALLOW  
FIRE HYDRANT

that the fire sprinkling system will be supplied with adequate pressure to cause the system to be functional as determined by the County Engineer. Such fire sprinklers shall be installed to NFPA 13D Standard for One and Two Family Dwellings and Mobile Homes.

(ii) In High Density Residential, Commercial, or Industrial areas fire flow must be greater than 1000 gallons per minute and will require special investigation to determine the fire flow requirements. The developer shall submit an engineered solution for appropriate fire protection. The Kane County Commission shall then work with the Kane County Engineer, the Kane County Planning Commission, and the County Fire Chiefs Association to review the proposed engineered solution, and the Kane County Commission shall determine minimum fire flow requirements in such cases.

- B) In all cases the water source, water storage and the water delivery system shall be engineered and installed to provide the required fire flow during times of peak water usage as if all development within the proposed subdivision was complete, and as may be required by formulas adopted by the State Board of Environmental Quality in connection the state's approval of the system. Verification will be the developers expense and certified by a licensed engineer.
- C) In all cases water distribution lines in all subdivisions shall be a minimum of eight (8) inches in diameter. The water lines shall be larger if needed to provide for required fire flow. Secondary lines may be six (6) inch lines where the County Engineer is satisfied that the line will yield sufficient fire flow to meet these fire flow requirements, such as in the case of looped systems or cul-de-sacs. Secondary lines shall be defined lines which service a single group of lots. If an existing system cannot achieve adequate fire flow under the provisions of this paragraph, then fire flows required by Paragraph 1A above must be met before further subdivision can occur, except as provided in paragraph F below.
- D) Water systems shall be looped when possible and valves shall generally be spaced such that a break in any one length of main will put no more than one *block out of service during repairs, subject to a maximum of 1200.00 feet.*
- E) (i) All new water storage, new water lines and new fire hydrants that are installed to develop a new phase of a previously approved subdivision, shall conform to the current requirements even though the existing water storage and delivery system does not meet current standards  
(ii) Any water lines that are feeder lines to platted phases subdivision, shall be engineered adequate future fire flow to the accordance with the current fire intended to be used as of a previously approved and installed to provide anticipated phase in flow standards.

F) If existing water storage and lines can provide the new phase of a previously approved water system (one approved and developed prior to the adoption of the current standards) with a minimum fire flow of 750 gpm for 45 minutes adjusted to a residual pressure of 20 psi, during estimated peak water use when the new phase is fully developed, the developer is exempt from meeting the 1000 gpm requirement. This exemption applies only to actual delivered fire flow. All new storage, line size and hydrants shall still meet current standards. If existing water storage and lines cannot provide the new phase in a previously approved water system with at least 750 gpm, as provided above, a minimum fire flow of 500 gpm for 60 minutes adjusted to a residual pressure of 20 psi, during estimated peak water use when the new phase is fully developed, may be allowed if the homes to be built therein shall be equipped with residential fire sprinklers installed in the same manner as provided in Paragraph 1A above. If an existing system cannot meet any of the requirements of paragraph 1A or 1F, then prior to allowing a new subdivision addition, such new subdivision shall be required to meet the fire flow requirements of paragraph 1A.

G) Where fire sprinklers are allowed to reduce fire flow as provided in this ordinance, the plat of the subdivision shall contain a notice of which lots must be fire sprinklered in order to obtain a building permit.

2. A. Fire Hydrant Specifications

- 1) All fire hydrants shall have one 4.5 inch and two 2.5 inch outlets with NH threads.
- 2) A six (6) inch gate valve shall be installed on each fire hydrant feeder line to allow the hydrant to be shut off in case of damage or needed repairs. This gate valve shall be accessible by standard square key from the street or ground level.
- 3) All fire hydrants shall be properly thrust blocked with poured in place concrete against undisturbed or compacted soil. Rocks and other material are not acceptable as thrust blocking. Banding and other forms of mechanical restraint may be used only if approved by the County Engineer.

7-13 Flood Plain.

See No structure may be built in a 100 year flood plain, as indicated on an official flood plain map.

7-14 Storm Drainage.

- (1) Complete drainage systems for the entire subdivision area shall be designed by a professional engineer, licensed in the State of Utah and qualified to perform such work, and shall be shown graphically. All existing

drainage features which are to be incorporated in the design shall be so identified. If the Final Plat is to be presented in phases, a general drainage plan for the entire area shall be presented with the first phase, and appropriate development stages for the drainage system for each phase indicated.

- (2) The drainage system shall be designed by a certified engineer and approved by the County Engineer and the Kane County Planning Commission.
- (3) Drainage System Plans.
  - a. The drainage system shall be designed to consider the drainage basin as a whole and shall accommodate not only runoff from the subdivision area but also where applicable, the system shall be designed to accommodate the runoff from those areas adjacent to and "upstream" from the subdivision itself, as well as its effects on lands downstream.
  - b. All proposed surface drainage structures shall be indicated on the plans.
  - c. All appropriate designs, details, and dimensions needed to explain clearly proposed construction materials and elevations shall be included in the drainage plans.

#### 7-15. Sanitation Collection Sites.

The subdivider shall provide a sufficient number of adequate sites for the collection and removal of sanitation if such collection and removal is proposed in a manner other than on a lot by lot basis.

## CHAPTER 8. RURAL, MOUNTAIN AND DESERT SUBDIVISIONS

### 8-1 Scope.

The Kane County Planning Commission and Kane County Commission may make special requirements for the regulation of subdivisions in rural, mountainous or desert areas for prevention of erosion, pollution and excessive costs to the public; protection of existing social, physical or economic values; and protection from fire and other hazards.

### 8-2 Application.

Before applying special requirements to rural, mountain or desert subdivisions, either more restrictive or less restrictive than those otherwise applicable by this Ordinance, the Kane County Planning Commission shall cause copies of the subdivision and proposed modifications of standard requirements to be submitted to the State Health Department, the State Board of Forestry and Fire Control, and the local Soil Conservation District Supervisor for comment and recommendations. The Kane County Planning Commission shall then make its recommendation to the Kane County Commission and it shall determine what special requirements shall apply if any

### 8-3 Additional Provisions.

Notwithstanding any other provisions herein or with this Ordinance, the following requirements shall apply to all rural, mountain and desert subdivisions:

- (1) No area shall be subdivided which has an average grade in excess of 30%, as determined by a topographic map furnished by a registered land survey or by reference to USGS 7.5 topographic quadrangle maps; the area to be used for residential building lots (as opposed to reserved open spaces) shall not exceed an average grade of 25%.
- (2) No subdivision design or plan shall be approved which constitutes the creation of hazardous conditions relating to flooding, pollution, fire or geologic hazards or excessive damage or danger to environmental values.

## CHAPTER 9. CONSTRUCTION STANDARDS

Construction standards and building codes, including the Kane County Standard Specifications for Design and Construction, adopted by Kane County shall be followed by the subdivider, developer and contractor.

## CHAPTER 10 FINANCIAL RESPONSIBILITY

### 10-1 Guarantee

Before approval of the final plat, the developer/subdivider shall guarantee the installation of the required subdivision improvements by one of the methods as described in Sections 10-2, 10-3 or 10-4. The guarantee method employed shall be approved by the Kane County Commission in the Development Agreement.

### 10-2 Payment and Performance Bonds

The developer/subdivider shall furnish payment and performance bonds in an amount equal to 125% of the engineer's estimated cost of improvements as approved by the Kane County Engineer. The additional inflation percentage shall be determined in the Development Agreement and added to the 125% figure.

### 10-3 Escrow Deposit

The developer/subdivider shall deposit in an interest bearing escrow account an amount of money equal to 125% of the engineer's estimated cost of improvements as approved by the County Engineer. The additional inflation percentage shall be determined in the Development Agreement and added to the 125% figure. The escrow account shall be used solely for securing the subdivisions improvements. The escrow account holder to be approved by Kane County prior to deposit being made.

### 10-4 Irrevocable Letter of Credit

The developer/subdivider shall file with Kane County an irrevocable letter of credit from a duly chartered state or national bank or savings and loan institution in an amount equal to 125% of the engineer's estimated cost of improvements as approved by the Kane County Engineer. The additional inflation percentage shall be determined in the Development Agreement and added to the 125% figure.

### 10-5 Default

In the event the developer/subdivider fails to complete the required improvements as stipulated in the Development Agreement, within two years after final plat acceptance, Kane County shall pursue action against whichever method of

guarantee was provided (10-2, 10-3, or 10-4) to complete the improvements as described.

#### 10-6 Improvement Guarantee

The developer/subdivider shall guarantee that all improvements provided, installed and as stipulated in the Development Agreement, shall remain free of defects for a period of one year from date of acceptance by the County.

Identifying the necessity for repairs and/or maintenance of the installed work rests with the County Engineer, or designate, and whose decision upon the matter shall be final and binding upon the developer/subdivider. Should the County Engineer find that repairs or maintenance is necessary, and upon written notice, the developer/subdivider shall have a maximum of 30 days to effect the required repairs or maintenance work.

Should the developer/subdivider fail to or refuse to effect said repairs or maintenance, the County shall have such work done at the developer/subdividers expense.

#### 10-7 Covenant

The developer/subdivider shall, as part of the executed Development Agreement, not sell, lease or convey any of the subdivided property to anyone unless he/she/they, as a condition thereto, satisfy at least one of the foregoing requirements of 10-2, 10-3, or 10-4. The agreement shall specifically provide that it shall be deemed to be a covenant running with the land to secure the installation of the improvements required together with payment of all costs, including reasonable attorney fees which may be incurred by Kane County in the enforcement of any of the terms and provisions of the agreement.

#### 10-8 Acceptance and Release of Surety

- (1) Request for conditional acceptance of the subdivision improvements and reduction in surety must be in writing from the developer/subdivider to the Planning and Zoning Administrator. When installation of the subdivision improvements are seventy-five percent complete (75%), fifty percent (50%) of the estimated cost of the improvements will be released after inspection and written verification by the County Engineer. After final completion of

all work, an additional forty percent (40%) of the estimated cost will be released after inspection and written verification by the County Engineer. This leaves ten percent (10%) of the estimated cost plus the additional twenty-five percent (25%) of the estimated cost to be held for one year from final completion and acceptance of the improvements.

- (2) Final inspection by the Kane County Engineer shall be made one year after all improvement work has been completed. Any and all defects must be repaired and maintenance must be completed prior to final approval.
- (3) Upon written approval by the Kane County Engineer, the Planning and Zoning Administrator shall, in writing, accept all improvements and release remaining surety.

## CHAPTER 11. PENALTY

A violation of this Ordinance is a class B misdemeanor, and each day that a violation exists may be charged as a separate violation.

## CHAPTER 12. VALIDITY

If any section, sub-section, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid, such holding shall not affect the validity of the remaining portion of this Ordinance.