

**BIG WATER TOWN
ORDINANCE 17-2024**

**THE TOWN OF BIG WATER, KANE COUNTY, UTAH IS AMENDING BIG
WATER ZONING CODE 15.42.010 DEFINITIONS**

WHEREAS, the Planning and Zoning has worked to keep our Zoning Code definitions as up to date as possible;

WHEREAS, Town Council deems that the Zoning Ordinance is in compliance with the State Code, is in the best interest of the people of Town of Big Water, and are consistent with the Town's current zoning policies;

WHEREAS, the Planning and Zoning passed these updates November 4, 2024

WHEREAS, Planning and Zoning held a public hearing on December 9, 2024, and has duly considered such recommendations as was received;

NOW THEREFORE, be it ordained by the Council of the Big Water Town, in the State of Utah, as follows:

SECTION 1: **AMENDMENT** “15.42.010 Definitions” of the Big Water Zoning Code is hereby *amended* as follows:

AMENDMENT

15.42.010 Definitions

The following definitions are provided for ease of administration and interpretation of the Big Water Zoning Ordinance:

1. **Alcoholic Beverages** – Means “beer” and “liquor” as the terms are defined herein.
2. **Alley** – Any public way or thoroughfare less than 16 feet, but not less than 10 feet in width that has been dedicated or deeded to the public for use.
3. **Alteration** – Any change, addition or modification in construction or occupancy.
4. **Basement** – A story fully or partially below grade.
5. **Beer, Light Beer, Malt Liquor or Malted Beverages** – Means all products that contain 63/100 of one percent of alcohol by volume or ½ of one percent of alcohol by weight, but not more than a percentage as determined by the state of Utah by volume or by weight and are obtained by fermentation, infusion, or decoction of any malted grain. Beer may or may not contain hops or other vegetable products. Beer includes products referred to as malt liquor, malted beverages or malt coolers.
6. **Board of Adjustment** – The Big Water Town Board of Adjustment.
7. **Building** – Any structure used or intended for supporting or sheltering any use or

occupancy.

8. **Building, Height of** – As provided by the Building Code, as adopted by Big Water Town.
9. **Building Permit** – Written permission issued by the Big Water Town Zoning Administrator for the construction, repair, alteration, or addition to a structure.
10. **Building, Principal** – The primary building or one of the primary buildings upon a lot.
11. **Building, Public** – A building owned and/or operated or owned and intended to be operated by a public agency of the United States, the State of Utah, County of Kane, Town of Big Water, or any of its subdivisions.
12. **Carport** – A private garage not completely enclosed by walls or doors. A carport is subject to all the regulation prescribed herein for a private garage.
13. **Child** – A person 18 years of age, or younger.
14. **Conditional Use** – A use of land for which a Conditional Use Permit is required pursuant to this Ordinance.
15. **Construction** – The act and/or procedures necessary to establish a building or structure, including the assembly and installation of materials after the approval and issuance of any license or permit required to authorize the establishment of a building or structure.
16. **Commission** – The Big Water Town Planning and Zoning Commission.
17. **Demolition Project - a demolition project as the wrecking, salvage, or removal of any load supporting structural member of a regulated facility together with any related handling operations or the intentional burning of any regulated facility. This includes the moving of an entire building but excludes the moving of structures, vehicles, or equipment with permanently attached axles such as trailers, motorhomes, and mobile homes that are specifically designed to be moved.**
18. **Development Permit** – Written approval issued by the authorized approval body, empowering the holder thereof to proceed with actions not forbidden by law but not allowed without such authorization.
19. **Domestic Livestock** – Animals historically found on farms in Southern Utah, including farm poultry and farm animals.
20. **Dwelling Unit** - One or more rooms in a structure designed for or occupied by one family for living or sleeping purposes and having its own sanitary facilities.
21. **Exotic Animals** - Animals not historically found on farms in Southern Utah. Exotic animals include animals commonly found in zoos and animal preserves and include those not historically endemic to the Southern Utah area.
22. **Floor Area** – The area obtained by multiplying the outside length by the outside width of a building.
23. **Footprint** – The projection of the primary exterior vertical walls of a structure upon the ground. Does not include overhangs, eaves, or systems of poses or supports whose purpose is to support an otherwise unenclosed system of eaves or overhangs.
24. **Foundation** – Concrete footing built to Uniform Building Code.
25. **Frontage** – The length of the front property line of the lot, lots, or tract of land abutting a public street, road, or highway, or rural right-of-way.

26. **Grade** – (Adjacent Ground Elevation) is the lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and a line 5 feet from the building, and as provided by the Uniform Building Code, as adopted by Big Water Town.
- a. Natural Grade – undisturbed soil, none has been added.
 - b. Existing grade – refers to grade at time of construction, when the property was bought. It may be the natural grade or below it.
 - c. Finished grade – refers to the level of the soil when the structure is finished.
27. **Landscaping** – To add vegetative materials to a lot or area.
28. **Legal Lot** – Any land parcel that existed, as recorded in the Office of the Kane County Recorder, with a separate property identification number as provided by the Office of the Kane County Recorder and Office of the Kane County Assessor, prior to February 7, 1986 and all parcels that were legally created for the purposes of development pursuant to the subdivision requirements of the Town and the laws of the State of Utah after February 7, 1986, but excluding those parcels that were created only for the purposes of transfer of ownership or for agricultural purposes created under Title 59, Chapter 2, Part 5, Farmland Assessment Act.
29. **Licensed Premises** – Any room, house, building, structure or place occupied by any person licensed to sell beer on any premises under this Ordinance; provided, that in any multiroomed establishment, an applicant for a Class B, or Class C License shall designate a room or portion of the building of such business for the sale of beer, which portion so specifically designated in the application and in the license issued pursuant thereto shall be the licensed premises. Multiple dining facilities located in one building and owned or leased by one licensed applicant shall be deemed to be only one licensed premises.
30. **Licensee** – Any person(s) holding any beer, liquor or private club license in connection with the operation of a place of business in the City. This term shall also include any employee of the Licensee.
31. **Liquor** – Means alcohol, or any alcoholic, spiritous, vinous, fermented, malt, or other liquid, or combination of liquids, a part of which is spiritous, vinous, or fermented, and all other drinks, or drinkable liquids that contains more than ½ of 1% of alcohol by volume and is suitable to use for beverage purposes. Liquor does not include any beverage defined as a beer, malt liquor, or malted beverage that has an alcohol content of less than a percentage determined by the state of Utah alcohol by volume.
32. **Lot** – A parcel of contiguous land having frontage upon a street which is or may be a developed or utilized under one ownership or control as a unit site for a permitted or conditionally-permitted use or group of uses.
33. **Lot Coverage** – Lot coverage shall be calculated by taking the ground area of the main and accessory building and dividing that total by the area of the lot.
34. **Lot, Corner** – A lot abutting on two intersecting or intercepting streets where the interior angle of intersection or interception does not exceed 135 degrees.
35. **Lot, Interior** – A lot with no access, the creation of which is prohibited.
36. **Lot, Non-Corner** – A lot other than a corner lot.
37. **Lot Line Adjustment** — Means a recorded agreement between owners of adjoining subdivided properties adjusting their mutual boundary if no new dwelling lot or

housing unit will result from the adjustment; and the adjustment will not violate any applicable land use ordinance.

38. **Lot Split/Subdivision of Land** — Any land that is divided, re-subdivided or proposed to be divided into two (2) or more lots, plots, parcels, sites, units, or other division 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.
39. **Modular Unit** - A structure built from sections that are manufactured in accordance with the construction standards adopted and transported to a building site, the purpose of which is for human habitation, occupancy, or use.
40. **Natural Waterways** – Those areas varying in width along streams, creeks, springs, gullies, or washes which are natural drainage channels. No buildings shall be constructed in natural waterways.
41. **Nonconforming Building or Structure** – A building or structure or portion thereof lawfully existing at the time the Ordinance became first effective which does not conform to all height, area, and yard regulations prescribed in the zone in which it is located.
42. **Nonconforming Sign** – A sign that lawfully existed at the time this Ordinance became effective and which does not conform to the sign regulations of the zone in which it is located.
43. **Nonconforming Use** – A use that lawfully occupied a building or land at the time this Ordinance became effective and which does not conform to the use regulation of the zone in which it is located.
44. **Overhang** – A horizontal or sloped structure, generally an extension of a roof, extending beyond the primary exterior vertical walls otherwise unenclosed.
45. **Parcel Joinder** — Means the joining of a subdivided parcel of property to another contiguous parcel of property that has not been subdivided. Parcel Joinder must comply with all the requirements for vacating or changing a subdivision plat, as identified in the Big Water Subdivision Ordinance (2004-236, adopted 12-21-2004, Section 800-1 Amendment to Recorded Plats).
46. **Parking Lot** – An open area, other than a street, used for the temporary parking of more than four automobiles and available for public use, whether free, for compensation, or as an accommodation for clients, customers, or employees.
47. **Parking Space** – Space within a building, lot, or parking lot for the parking or storage of one automobile.
48. **Person** – Any individual, partnership, firm, corporation, association, business trust, or other form of business enterprise including the receiver or trustee, and the plural as well as the singular number, unless the intent to give a more limited meaning is disclosed by the context.
49. **Pets, Household** – Animals ordinarily permitted in the house or yard and kept for the company or pleasure of the owner. Household pets include dogs, cats, chickens, ducks, and rabbits. Household Pets do not include exotic animals or inherently and/or potentially dangerous animals, fowl or reptiles.
50. **Pier** – A support structure between the ground and the sub-framing of a constructed or manufactured unit, according to the Building Code.

- 51. **Principal Building** – The primary building or one of the primary buildings upon a lot.
- 52. **Principal Use** – The primary or predominant use of any lot or parcel.
- 53. **Sell, Sale, or To Sell** – Any transaction, exchange, or barter whereby, for any consideration, a good is either directly or indirectly transferred, solicited, ordered, delivered for value, or by any means or under any pretext is promised or obtained, whether done by a person as a principal, proprietor, or as an agent, servant, or employee.
- 54. **Sensitive Lands** – Sensitive areas are defined and identified as:
 - a. Areas of slope with an average 30% grade, or greater, a minimum distance of 100 horizontal feet.
 - b. Flood channels as identified by a Federal or State agency.
 - c. Jurisdictional wetlands as identified by the U.S. Army Corps of Engineers.
- 55. **Sign** – Any device used for visual communication and displayed out-of-doors, including signs painted on exterior walls natural objects, and interior illuminated signs to be viewed from out-of-doors, but not including any flag, badge, or ensign of a government agency.
- 56. **Sign, Advertising** – A sign that directs attention to a use conducted, product or commodity, or service related to the premises.
- 57. **Sign, Business** – A sign that directs attention to a use conducted, product or commodity sold, or service performed upon the premises.
- 58. **Sign, Identification** – A sign displayed to indicate the name or nature of buildings or uses other than commercial or industrial uses located upon the premises.
- 59. **Sign, Name Plate** – A sign indicating the name and/or occupation of a person or persons residing on the premises or legally existing on the premises.
- 60. **Sign, Property** – A sign related to the property on which it is located and offering such property for sale or lease or advertising contemplated improvements or announcing the name of the builder, owner, designer, or developer of the project or warning against trespassing.
- 61. **Sign, Public Information** – A sign erected by a public or non-profit agency, service club, etc., giving information to direct the public to both public and private facilities and major uses.
- 62. **Sign, Temporary** – Any sign or advertising display intended to be displayed for no more than 60 days.
- 63. **State Store** – A facility for the sale of package liquor located on premises owned or leased by the state and operated by state employees. State store does not apply to any licensee, permittee, or to package agencies.
- 64. **Story** – As provided by the Uniform Building Code, as adopted by Big Water Town.
- 65. **Story, Half** – As provided by the Uniform Building Code, as adopted by Big Water Town.
- 66. **Street** – Any thoroughfare or public way not less than 16 feet in width.
- 67. **Structure** – A building of any kind or any piece of work artificially built up or composed of parts joined together in some definite manner.
- 68. **Structural Alterations** – Any change in supporting member of a building, such as

- bearing walls, columns, beams, or girders.
69. **Width of Lot** – The distance between the side lot lines at the distance back from the front lot line required for the depth of the front yard.
 70. **Yard, Front** – A space on the same lot with a building between the rear line of the building (exclusive of steps and/or chimneys) and the front lot line, extending across the full width of the lot.
 71. **Yard, Rear** – A space on the same lot with a building between the side line of the building (exclusive of steps and/or chimneys) and the rear line of the lot and extending the full width of the lot.
 72. **Yard, Side** – A space on the same lot with a building between the side line of the building (exclusive of steps and/or chimneys) and the side line of the lot and extending from the front to the rear yard line.
 73. **Zone (Zoning District)** – An area of Big Water Town as established and defined herein and illustrated on the Big Water Zoning Districts Map.
 74. **Zoning Administrator** – The person designated by the Town Council to carry out the administrative responsibilities of this Ordinance and the Subdivision Ordinance.
 75. **Zoning Map** – The adopted Zoning Districts Map of Big Water Town.

PASSED AND ADOPTED BY THE BIG WATER TOWN COUNCIL

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	AYE	NAY	ABSENT	ABSTAIN
Council member Jim Lybarger	_____	_____	_____	_____
Mayor David Schmuker	_____	_____	_____	_____
Council member Levi Banfill	_____	_____	_____	_____
Council member Luke McConville	_____	_____	_____	_____
Council member Jennie Lassen	_____	_____	_____	_____

Presiding Officer

Attest

David W. Schmuker, Mayor, Big
Water Town

Katie Joseph, Clerk, Big Water Town