

**BIG WATER TOWN
ORDINANCE 05-2025**

**AN ORDINANCE AMENDING ZONING CODE 15.06.030 TO ELIMINATE TERM
LIMITS FOR PLANNING AND ZONING COMMISSION MEMBERS AND THE
CHAIRPERSON POSITION WITHIN THE TOWN OF BIG WATER, KANE
COUNTY, UTAH**

WHEREAS, the Town recognizes the value of retaining experienced and knowledgeable individuals on the Planning and Zoning Commission; and

WHEREAS, the Town Council seeks to provide flexibility in appointments and leadership continuity by removing term limits; and

WHEREAS, the Town desires to amend its existing ordinances to reflect these changes in order to better serve the community's planning and development needs;

WHEREAS, Planning and Zoning held a public hearing on April 7, 2025, and has duly considered such recommendations as was received;

WHEREAS, the Planning and Zoning Commission passed these updates April 7, 2025:

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

SECTION 1: **AMENDMENT** “15.06.030 Planning Commission” of the Big Water Zoning Code is hereby *amended* as follows:

B E F O R E A M E N D M E N T

15.06.030 Planning Commission

There is hereby created and established a Big Water Town Planning Commission ("Commission").

1. **Powers and Duties.** The Planning Commission shall be an advisory body to the Council on legislative matters pertaining to the General Plan, this Ordinance, and the Big Water Town Subdivision Ordinance. The Commission shall have the following powers and duties:
 - a. To prepare, or cause to be prepared, the Big Water Town General Plan, any plan element, any amendments thereto, and to submit the proposed plan, element or amendments to the Council.
 - b. To prepare or cause to be prepared the Big Water Town Zoning Ordinance,

any amendments thereto, and to submit the Ordinance or amendments thereto to the Council.

- c. To prepare or cause to be prepared the Big Water Town Subdivision Ordinance, any amendments thereto, and to submit the Subdivision Ordinance or amendments thereto to the Council.
 - d. To hear, review, approve, approve with conditions, or deny, applications for Conditional Use Permits.
 - e. To hear, review, approve or deny application for Apiary/Beekeeping, as authorized by this Ordinance.
 - f. To hear, review, approve or deny, or recommend approval or denial of development applications, as authorized by this Ordinance and the Big Water Subdivision Ordinance.
 - g. To adopt bylaws, policies, and procedures for the conduct of the duties and meetings of the Commission, for the consideration of applications and for any other purposes deemed necessary by the Commission provided, that such bylaws, policies, and procedures shall be consistent with all requirements of this Ordinance and the Subdivision Ordinance, which bylaws, policies, and procedures shall first be approved by the Big Water Town Council before taking effect.
 - h. To hear, review, and decide appeals of determinations of application completeness made by Zoning Administrator if the applicant considers the determination made by the Zoning Administrator to be in error.
 - i. Advise the legislative body on other matters as the legislative body directs.
2. **Qualifications for Membership.** Members of the Planning Commission shall be appointed by the Big Water Town Council.
3. **Membership: Appointment, Removal, Terms, and Vacancies.**
- a. The Planning Commission shall be composed of five (5) members, appointed by the Town Council.
 - b. The Council, after finding cause, may remove any member of the Commission for a violation of this Ordinance or any policies or procedures adopted by the Commission following receipt of a written complaint filed against the member. The Council shall provide the member with a hearing, if requested.
 - c. Members of the Commission may be compensated on a per diem basis, based upon meetings actually attended in person or electronically and reasonable and necessary expenses, as determined by the Council.
 - d. All members of the Commission shall serve a term of four (4) years. No member shall serve more than two (2) consecutive terms. However, if no qualified applicant is available to fill a vacancy, a sitting member may remain on the Commission past his/her term until a replacement is appointed or seated. (Ordinance 2016-1)
 - e. At an annual organizational meeting to be held the first regular meeting in January, and at other times as required, the members of the Commission shall elect one (1) of their members as chair and one (1) of their members as vice-chair. In the absence of the chair, the vice-chair shall act as chair and shall have all powers of the chair. The chair shall serve a term of two (2) years. No

member shall serve as chair for more than two (2) consecutive terms.

- f. The chair, or in the chair's absence the vice-chair, shall be in charge of all proceedings before the Commission, and shall take such actions as necessary to preserve order and the integrity of all proceedings before the Commission.
4. **Recording Secretary.** The Council shall appoint a recording secretary to serve the Commission. The Recording Secretary shall keep the minutes of all proceedings of the Commission, which minutes shall be the official record of all proceedings before the Commission, attested to by a majority vote of the members of the Commission. The Recording Secretary shall be compensated as approved by the Council.
5. **Quorum and Necessary Vote.** No meeting of the Commission may be called to order, nor may any business be transacted without a quorum consisting of at least three (3) members of the Commission being present. The chair shall be included for purposes of establishing a quorum and shall act as a voting member of the Commission. All actions of the Commission shall require the vote of a majority of the members, whether sitting as a whole or a quorum.
6. **Meetings, Hearings and Procedure.**
 - a. The Commission shall establish a regular meeting schedule.
 - b. Special meetings may be requested by the Council, the chair of the Commission, or a majority of the members of the Commission.
 - c. If a matter is postponed due to lack of a quorum, the chair shall reschedule the matter to the next available Commission meeting. The Recording Secretary shall notify all interested parties and all members of the Commission of the date when the rescheduled matter will be heard by the Commission.

AFTER AMENDMENT

15.06.030 Planning Commission

There is hereby created and established a Big Water Town Planning Commission ("Commission").

1. **Powers and Duties.** The Planning Commission shall be an advisory body to the Council on legislative matters pertaining to the General Plan, this Ordinance, and the Big Water Town Subdivision Ordinance. The Commission shall have the following powers and duties:
 - a. To prepare, or cause to be prepared, the Big Water Town General Plan, any plan element, any amendments thereto, and to submit the proposed plan, element or amendments to the Council.
 - b. To prepare or cause to be prepared the Big Water Town Zoning Ordinance, any amendments thereto, and to submit the Ordinance or amendments thereto to the Council.
 - c. To prepare or cause to be prepared the Big Water Town Subdivision Ordinance, any amendments thereto, and to submit the Subdivision Ordinance or amendments thereto to the Council.
 - d. To hear, review, approve, approve with conditions, or deny, applications for

Conditional Use Permits.

- e. To hear, review, approve or deny application for Apiary/Beekeeping, as authorized by this Ordinance.
 - f. To hear, review, approve or deny, or recommend approval or denial of development applications, as authorized by this Ordinance and the Big Water Subdivision Ordinance.
 - g. To adopt bylaws, policies, and procedures for the conduct of the duties and meetings of the Commission, for the consideration of applications and for any other purposes deemed necessary by the Commission provided, that such bylaws, policies, and procedures shall be consistent with all requirements of this Ordinance and the Subdivision Ordinance, which bylaws, policies, and procedures shall first be approved by the Big Water Town Council before taking effect.
 - h. To hear, review, and decide appeals of determinations of application completeness made by Zoning Administrator if the applicant considers the determination made by the Zoning Administrator to be in error.
 - i. Advise the legislative body on other matters as the legislative body directs.
2. **Qualifications for Membership.** Members of the Planning Commission shall be appointed by the Big Water Town Council.
3. **Membership:** Appointment, Removal, Terms, and Vacancies.
- a. The Planning Commission shall be composed of five (5) members, appointed by the Town Council.
 - b. The Council, after finding cause, may remove any member of the Commission for a violation of this Ordinance or any policies or procedures adopted by the Commission following receipt of a written complaint filed against the member. The Council shall provide the member with a hearing, if requested.
 - c. Members of the Commission may be compensated on a per diem basis, based upon meetings actually attended in person or electronically and reasonable and necessary expenses, as determined by the Council.
 - d. All members of the Commission shall serve a term of four (4) years. ~~No member shall serve more than two (2) consecutive terms.~~ However, if no qualified applicant is available to fill a vacancy, a sitting member may remain on the Commission past his/her term until a replacement is appointed or seated. (Ordinance 2016-1)
 - e. At an annual organizational meeting to be held the first regular meeting in January, and at other times as required, the members of the Commission shall elect one (1) of their members as chair and one (1) of their members as vice-chair. In the absence of the chair, the vice-chair shall act as chair and shall have all powers of the chair. The chair shall serve a term of two (2) years. ~~No member shall serve as chair for more than two (2) consecutive terms.~~
 - f. The chair, or in the chair's absence the vice-chair, shall be in charge of all proceedings before the Commission, and shall take such actions as necessary to preserve order and the integrity of all proceedings before the Commission.
4. **Recording Secretary.** The Council shall appoint a recording secretary to serve the Commission. The Recording Secretary shall keep the minutes of all proceedings of the

Commission, which minutes shall be the official record of all proceedings before the Commission, attested to by a majority vote of the members of the Commission. The Recording Secretary shall be compensated as approved by the Council.

5. **Quorum and Necessary Vote.** No meeting of the Commission may be called to order, nor may any business be transacted without a quorum consisting of at least three (3) members of the Commission being present. The chair shall be included for purposes of establishing a quorum and shall act as a voting member of the Commission. All actions of the Commission shall require the vote of a majority of the members, whether sitting as a whole or a quorum.

6. **Meetings, Hearings and Procedure.**

- a. The Commission shall establish a regular meeting schedule.
- b. Special meetings may be requested by the Council, the chair of the Commission, or a majority of the members of the Commission.
- c. If a matter is postponed due to lack of a quorum, the chair shall reschedule the matter to the next available Commission meeting. The Recording Secretary shall notify all interested parties and all members of the Commission of the date when the rescheduled matter will be heard by the Commission.

PASSED AND ADOPTED BY THE BIG WATER TOWN COUNCIL

_____.

	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