

BIG WATER PLANNING AND ZONING COMMISSION

Big Water Town Hall, 60 Aaron Burr, Big Water, Utah 84741

AGENDA

6:00 PM WORK SESSION

7:00 PM PUBLIC HEARING

7:01 PM PUBLIC HEARING

7:02 PM MEETING

May 5, 2025

6:00 PM WORK SESSION

1.Call to Order-

2.Discuss Meeting Agenda Items-

3.Adjourn –

7:00 PM PUBLIC HEARING- Amending the Municipal Code 4.04.040 Building Department Fee Schedule, 14.14.020 Building Permit Application, 14.20.030 Lot Line Adjustment Within a Recorded Plat–

7:01 PM PUBLIC HEARING - Establish Demolition Standards Zoning Code Section 15.46

7:02 PM MEETING –

1. CALL TO ORDER –

2. ROLL CALL –

3. APPROVAL OR AMENDMENT OF AGENDA-

4. APPROVAL OF MARCH 2025 MINUTES–

5. CONFLICT STATEMENT –

6. ADMINISTRATOR COMMENTS –

7. CITIZEN COMMENTS –

8. OLD BUSINESS–

A) Discussion and Possible Action on Special Events and Ordinance / Temporary Use Permits–

B) Discussion and Possible Action on Amending Off Street Parking spaces –

C) Discussion and Possible Action on Definitions –

D) Discussion and Possible Action on Commercial/Industrial/Mixed Use–

E) Discussion and Possible Action on Amending Table of Uses–

F) Discussion and Possible Action on Land Use Ordinance–

G) Discussion and Possible Action on Timeshare and Camp Resort Act –

H) Discussion and Possible Action on Transportation Master Plan, Main Street Locations, Dedicated Trails (Big Water Trailhead Project) and Cross Section/Right of Way Road Planning –

I) Discussion and Possible Action on Adding Demolition Standards Requirement Section in Zoning Code 15.46 –

J) Discussion and Possible Action on New and/or Renewal Short Term Rentals Applications –

K) Discussion and Possible Action on Amending Municipal Code 14.14.020, Building Permits For Verbiage Additions –

L) Discussion and Possible Action on Amending Municipal Code 14.20.030, Lot Line Adjustment and Application for Verbiage Changes–

9. NEW BUSINESS–

10. FINAL CITIZEN COMMENTS-

11. FINAL COMMENTS –

12. ADJOURNMENT–

Notice of Public Hearing

Notice is hereby given that on Monday,
May 5, 2025 at 7:00 p.m. (UT), Big Water Planning and Zoning
Commission will hold a PUBLIC HEARING at Town Hall,
located at 60 N Aaron Burr, Big Water, Utah, 84741.

PUBLIC HEARING ITEM/S:

- To amend the Municipal Code section 14.20.030
Lot Line Adjustment Within a Recorded Plat**
- To amend Municipal Code section 4.04.040
Building Department fee schedule and section
14.14.020 Building Permit Application**

At the time and place set forth above, all interested citizens
may appear in person and may be given an opportunity to be
heard either in support or in opposition. Each citizen will be
given a reasonable amount of time to comment.

Notice of Public Hearing

Notice is hereby given that on Monday,
May 5, 2025 at 7:01 p.m. (UT), Big Water Planning and Zoning
Commission will hold a PUBLIC HEARING at Town Hall,
located at 60 N Aaron Burr, Big Water, Utah, 84741.

PUBLIC HEARING ITEM/S:

**-To Establish Demolition Standards Zoning Code
Section 15.46**

At the time and place set forth above, all interested citizens
may appear in person and may be given an opportunity to be
heard either in support or in opposition. Each citizen will be
given a reasonable amount of time to comment.

BIG WATER PLANNING AND ZONING

Big Water Town Hall, 60 Aaron Burr, Big Water, Utah 84741

DRAFT MINUTES

6:00 PM WORK SESSION

7:00 PM PUBLIC HEARING

7:01 PM MEETING

April 7, 2025

6:00 PM WORK SESSION

1. Call to Order- at 6:24 PM

2. Discuss Meeting Agenda Items- Discussion on what can be in the proposed downtown area.

Discussed what can be a C-1, C-2 and C-3. Discussion on attending the downtown feasibility study on April 14.

Discussion on new and renewal short term rental applications. It was discussed that STR will not be approved unless the only thing the application needs is planning and zoning approval and signatures. Some discussion on a STR if a RV could be used as a short-term rental if it was on commercial land that was a resort.

Discussed the trails map and where to connect the park to the trails on the dedicated trails map from sunrise engineering.

3. Adjourn – closes at 7:06 PM

7:00 PM PUBLIC HEARING- Amending the Zoning Code 15.06.030 Administration Term Limits–

No comment. Closed at 7:08 PM

7:01 PM MEETING -

1. CALL TO ORDER – at 7:08 PM

2. ROLL CALL – Mark Burkett, Nicole Wood, Robert Wilkes and Jim Loyd, Absent: Wryht Short

3. APPROVAL OR AMENDMENT OF AGENDA- Motion to approve the agenda made by Nicole and seconded by Mark. All in favor

4. APPROVAL OF MARCH 2025 MINUTES– Motion to approve the minutes made by Nicole and seconded by Mark. All in favor.

5. CONFLICT STATEMENT – None

6. ADMINISTRATOR COMMENTS – None

7. CITIZEN COMMENTS – Jack Brisbin-This is my first town hall meeting. Couldn't hear you online. Not a chance. You know, so whatever we're doing for a microphone for the Facebook group is not working. I wanted to know what the current terms were for the planning and zoning seats. It was explained to him that by the time the seats expired the members were just learning their jobs and some would like to stay on. I came down to the meeting because I legitimately could not hear online.

I don't know if that's intentional or if it's just a fact that we just don't have the IT support for that.

Nickelle Burton- I'm going to suggest this at the next town hall meeting, but maybe somebody should try and figure out how to play it on YouTube. That's the way that Page does it. Judy Franz might know someone to help with the sound problem on Facebook live that the town hall uses.

8. OLD BUSINESS–

A) Discussion and Possible Action on Special Events and Ordinance / Temporary Use Permits– Tabled

B) Discussion and Possible Action on Amending Off Street Parking spaces – Tabled

C) Discussion and Possible Action on Definitions – Tabled

- D) Discussion and Possible Action on Commercial/Industrial/Mixed Use–** Tabled
- E) Discussion and Possible Action on Amending Table of Uses–** Tabled
- F) Discussion and Possible Action on Land Use Ordinance–** Tabled
- G) Discussion and Possible Action on Timeshare and Camp Resort Act –** Tabled
- H) Discussion and Possible Action on Transportation Master Plan, Main Street Locations, Dedicated Trails (Big Water Trailhead Project) and Cross Section/Right of Way Road Planning –** Motion to approve the new map with the new proposal of dedicated trails made by Nicole and seconded by Mark. All in favor.
- I) Discussion and Possible Action on Approving Demolition Permit (Escrow) Requirement Section in Zoning Code–** Tabled

9. NEW BUSINESS–

- A) Discussion and Possible action on a Lot Line Adjustment Application–**Motion to approve the lot line adjustment application with the stimulation that they fill out the new application made by Nicole and seconded by Mark. All in favor.
- B) Discussion and Possible Action on New and/or Renewal Short Term Rentals Applications –** Tabled
- C) Discussion and Possible Action on Amending the Zoning Code 15.06.030 Planning and Zoning Commission Term Limits–**Motion to approve the amendment to Zoning Code 15.06.030 Commission Term Limits made by Nicole and seconded by Mark. All in favor.
- D) Discussion and Possible Action on Amending Municipal Code 14.14.020, Building Permits–**Tabled and schedule a public hearing for May 5, 2025
- E) Discussion and Possible Action on Amending Municipal Code 14.20.030, Lot Line Adjustment and Application –** Tabled and schedule a public hearing for May 5, 2025

10. FINAL CITIZEN COMMENTS- none

11. FINAL COMMENTS – Robert- Appreciation for people coming to the meeting. For about a year, there was about one person in here. We like the attendance.

12. ADJOURNMENT– Motion to adjourn made by Mark and seconded by Nicole at 7:40 PM

**BIG WATER TOWN
ORDINANCE 06 -2025 BUILDING PERMITS UPDATED**

**AN ORDINANCE AMENDING MUNICIPAL CODE 14.14.020 BUILDING PERMIT
APPLICATIONS WITHIN THE TOWN OF BIG WATER, KANE COUNTY, UTAH**

WHEREAS, the Big Water Town Council finds it necessary to ensure that construction projects proceed in a timely and orderly manner and that permit holders are held accountable for maintaining active progress on permitted work; and

WHEREAS, the Big Water Town Council desires to establish clear guidelines for permit expiration, renewal, and long-term project completion;

WHEREAS, the Planning and Zoning Commission passed these updates on May 5, 2025; and

WHEREAS, the Planning and Zoning Commission held a public hearing on this matter on May 5, 2025;

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

SECTION 1: **AMENDMENT** "4.04.040 Building Department" of the Big Water Municipal Code is hereby ~~amended~~ as follows:

AMENDMENT

4.04.040 Building Department

Description	Fee
Building Permit Application	\$100
<u>Building Permit Renewal</u>	<u>\$100</u>
Plan Review	\$100 (additional reviews \$50 each)
Plan Review 10 lots or more	\$2,200 + \$85 per Lot
Commercial Plan Review	Building Permit Base (with 45% for engineering costs; additional as required)
Sign Permit	\$150 (Application Fee Plan Review, and Inspection Included)
Re-Inspection or Additional Inspections	\$56.40/each and up

Solar Permit- Residential	\$200 (Application Fee, Plan Review Fee, and Inspection Fee included)
Solar Permit- Commercial	\$300 (Application Fee, Plan Review Fee, and Inspection Fee Included)
Building Permit Fee	Determined by the most recently Utah State adopted publication of the ICC Building Code
Demolition and Grading Permits	\$150 (Includes \$25 Fire Inspection)

SECTION 2: AMENDMENT “14.14.020 Building Permit Application” of the Big Water Municipal Code is hereby *amended* as follows:

AMENDMENT

14.14.020 Building Permit Application

All proposed buildings, structures, facilities and uses located within the boundaries of Big Water Town, excluding agricultural buildings to the extent exempted by the laws of the State of Utah, and requiring the approval and issuance of a building permit, as required by the building codes of Big Water Town, shall present a building permit application for review by the Town's Building Inspector:

● Permit Expiration and Renewal

1. A building permit that shows no progress or has had no inspection activity for a period of one hundred eighty (180) consecutive days shall be considered expired. To continue construction, the applicant must pay the applicable renewal fees and obtain a renewed permit before resuming any work.
2. A building permit that is not completed within six (6) years from the date of issuance shall be subject to an additional fee equal to thirty percent (30%) of the original permit cost. This surcharge must be paid before any further inspections or certificate of occupancy can be issued.

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

DRAFT

**BIG WATER TOWN
ORDINANCE 07-2025**

**AN ORDINANCE AMENDING ZONING CODE 14.20.030 LOT LINE
ADJUSTMENTS WITHIN A RECORDED PLAT WITHIN THE TOWN OF BIG
WATER, KANE COUNTY, UTAH**

WHEREAS, the Town of Big Water, finds it necessary to clarify and amend procedures and requirements related to lot line adjustments to better serve property owners, ensure consistency with state law, and protect the orderly development of land within the municipality; and

WHEREAS, the proposed amendment is in the interest of the public health, safety, and welfare, and complies with the comprehensive land use plan of the Town of Big Water;

WHEREAS, Planning and Zoning held a public hearing on May 5, 2025, and has duly considered such recommendations as was received;

WHEREAS, the Planning and Zoning Commission passed these updates May 5, 2025:

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

SECTION 1: ~~AMENDMENT~~ "14.20.030 Lot Line Adjustments Within An Recorded Plat" of the Big Water Municipal Code is hereby *amended* as follows:

AMENDMENT

14.20.030 Lot Line Adjustments Within An Recorded Plat

In accordance with Big Water Zoning Ordinance (2004-235, adopted, December 21, 2004, amended _____ 2009, *Chapter 15.10 Development Applications and Procedures, Section 15.10.160 Procedure for a Lot Line Adjustment*) and § 10-9a-103 (subsections 24, 44) and § 17-27a-103 (subsections 28, 48) Definitions, Utah Code (Amended 2008), petitions to adjust lot lines (mutual boundary) between adjoining properties may be executed upon the recordation of an appropriate deed with the consent of the owners' of record.

1. The applicants must complete and submit to the Zoning Administrator a Big Water Lot Line Adjustment Request form to include:
 - a. property owners' names;
 - b. date;
 - c. owners' addresses, phone/cell/fax numbers, city, state, Zip code;

- d. name, location (lot #s, block(s), section(s)) and legal descriptions);
 - e. reason for lot line adjustment request;
 - f. paid tax statement for the current year.
 - g. certification to conform to Big Water ordinances.
 - h. names and addresses of all property owners adjacent to the lots in question.
2. Applicants must prove that:
- a. no new dwelling lot or housing unit results from the lot line adjustment;
 - b. that all adjoining property owners consent to the lot line adjustment;
 - c. the lot line adjustment does not result in a remnant piece of land that did not exist previously; and
 - d. the lot line adjustment does not result in the violation of any applicable zoning district requirements.
3. Applicants must provide a title report, by a licensed Title Company, for the properties proposed for Lot Line Adjustment with the application.
4. Applicants must submit a revised (final) plat, prepared by a licensed land surveyor. The plat shall be prepared in pen and all sheets shall be numbered. The plat shall be drawn on reproducible Mylar. A minimum of ~~six (6)~~ twelve (12) paper (8 ½" x 11") copies shall be presented to the Town Clerk with the formal request form. The revised plat shall contain Signature blocks for the dated signature of the Zoning Administrator, Town's Engineer, Mayor, Planning Commission Chair, and Town Attorney.
5. Applicant must pay the applicable Lot Line Adjustment fees to the Town Clerk in accordance with the current Big Water Rates and Fees for Municipal Services schedule.
6. The Zoning Administrator shall ensure that notice is given to all adjoining property owners, pursuant to local ordinance.
7. After the Lot Line Assessment request and plat are acknowledged, approved and certified by the Zoning Administrator, the owners shall, within one year, record the appropriate deed in the Kane County recorder's office.
8. The County Recorder shall ensure the requirements of this Section are met. The Kane County Recorder may request a review of the materials presented for a Lot Line Adjustment by the Zoning Administrator prior to recordation.
9. If any owner of an adjoining property notifies the municipality of his/her objection in writing within ten (10) days of mailed notification or by published notification deadline, the Zoning Administrator will set an agenda item for the next Planning and Zoning public meeting. The Applicants, or his/her/their authorized agent(s), must be present. If they are not present, the application will be tabled. (Please see Big Water Zoning Ordinance, Section 15.10.150(7-10), or Big Water Subdivision Ordinance, Section 14.20.020(7-10), for the required additional processes.)

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

**BIG WATER TOWN
ORDINANCE 08-2025**

**AN ORDINANCE AMENDING THE BIG WATER MUNICIPAL ZONING CODE
TO ENACT SECTION 15.46, ESTABLISHING DEMOLITION STANDARDS
WITHIN THE TOWN OF BIG WATER, KANE COUNTY, UTAH.**

WHEREAS, the Town of Big Water is authorized under Utah Code Annotated §10-9a-101 et seq. to enact land use ordinances and regulations to promote the health, safety, and welfare of the public; and

WHEREAS, the Town Council finds that the unregulated demolition of structures may result in hazards to public safety, the creation of nuisances, environmental degradation, and negative impacts to adjacent properties and neighborhoods; and

WHEREAS, the adoption of uniform demolition standards will aid in the proper removal of structures, ensure the mitigation of negative impacts, and maintain the visual and physical character of the Town; and

WHEREAS, the Planning and Zoning Commission has reviewed the proposed ordinance and recommended its adoption following a duly noticed public meeting held May 5, 2025; and

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

SECTION 1: **ADOPTION** “15.46 DEMOLITION STANDARDS” of the Big Water Zoning Code is hereby *added* as follows:

BEFORE ADOPTION

15.46 DEMOLITION STANDARDS (Non-existent)

AFTER ADOPTION

15.46 DEMOLITION STANDARDS(*Added*)

SECTION 2: **ADOPTION** “15.46.010 PURPOSE” of the Big Water Zoning Code is hereby *added* as follows:

BEFORE ADOPTION

15.46.010 PURPOSE (Non-existent)

AFTER ADOPTION

15.46.010 PURPOSE(*Added*)

The purpose of this section is to ensure that all demolition activities within the Town of Big Water are conducted safely, responsibly, and in compliance with applicable state and federal regulations, particularly with regard to the handling and removal of hazardous materials.

SECTION 3: ADOPTION “15.46.020 DEMOLITION PERMIT REQUIRED” of the Big Water Zoning Code is hereby *added* as follows:

BEFORE ADOPTION

15.46.020 DEMOLITION PERMIT REQUIRED (Non-existent)

AFTER ADOPTION

15.46.020 DEMOLITION PERMIT REQUIRED(*Added*)

No structure shall be demolished within the Town of Big Water without first obtaining a demolition permit issued by the appropriate town authority. Applications shall include a description of the structure, proposed demolition methods, projected timeline, and any applicable site plans.

SECTION 4: ADOPTION “15.46.030 NOTIFICATION” of the Big Water Zoning Code is hereby *added* as follows:

BEFORE ADOPTION

15.46.030 NOTIFICATION (Non-existent)

AFTER ADOPTION

15.46.030 NOTIFICATION(*Added*)

Applicants shall provide the Town with a minimum of ten (10) business days' written notice prior to commencement of demolition activities.

SECTION 5: ADOPTION “15.46.040 ASBESTOS REMOVAL COMPLIANCE” of the Big Water Zoning Code is hereby *added* as follows:

BEFORE ADOPTION

15.46.040 ASBESTOS REMOVAL COMPLIANCE (Non-existent)

AFTER ADOPTION

15.46.040 ASBESTOS REMOVAL COMPLIANCE(*Added*)

The Town of Big Water adheres to all State of Utah mandates and federal regulations concerning asbestos identification, removal, and disposal.

(a) Prior to demolition, an asbestos inspection shall be performed by a Utah-certified asbestos inspector. (b) If asbestos-containing materials (ACMs) are identified, removal shall be performed by a licensed abatement contractor in accordance with Utah Department of Environmental Quality (DEQ) and U.S. Environmental Protection Agency (EPA) standards. (c) Documentation of proper asbestos abatement and disposal shall be submitted to the Town before demolition begins.

SECTION 6: ADOPTION “15.46.050 WASTE DISPOSAL” of the Big Water Zoning Code is hereby *added* as follows:

BEFORE ADOPTION

15.46.050 WASTE DISPOSAL (Non-existent)

AFTER ADOPTION

15.46.050 WASTE DISPOSAL(*Added*)

All demolition debris, including hazardous materials, shall be transported and disposed of at approved facilities in accordance with local, state, and federal law. Open burning of demolition materials is prohibited unless specifically authorized under separate permitting processes.

SECTION 7: ADOPTION “15.46.060 SITE RESTORATION” of the Big Water Zoning Code is hereby *added* as follows:

BEFORE ADOPTION

15.46.060 SITE RESTORATION (Non-existent)

AFTER ADOPTION

15.46.060 SITE RESTORATION(*Added*)

Upon completion of demolition, the property shall be restored to a clean, safe, and stable condition. The Town may require temporary fencing, erosion control measures, or other safety precautions as necessary.

SECTION 8: ADOPTION “15.46.070 FAILURE TO COMPLETE DEMOLITION OR RESTORATION” of the Big Water Zoning Code is hereby *added* as follows:

BEFORE ADOPTION

15.46.070 FAILURE TO COMPLETE DEMOLITION OR RESTORATION (Non-existent)

AFTER ADOPTION

15.46.070 FAILURE TO COMPLETE DEMOLITION OR RESTORATION(*Added*)

If the property owner or permit holder fails to complete the demolition or site restoration in accordance with this chapter, and the Town is required to undertake or complete the work, all associated costs incurred by the Town shall be billed to the property owner. If such costs are not paid within thirty (30) days of billing, the Town may place a lien on the property for the amount due, including administrative and legal fees, in accordance with applicable law.

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

DRAFT