

# **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 MEETING

June 2, 2025

### **6:00 PM WORK SESSION**

- 1. Call to Order-**
- 2. Discuss Meeting Agenda Items-**
- 3. Adjourn -**

### **7:00 PM MEETING -**

- 1. CALL TO ORDER -**
- 2. ROLL CALL -**
- 3. APPROVAL OR AMENDMENT OF AGENDA-**
- 4. APPROVAL OF MAY 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 -**

### **9. NEW BUSINESS-**

- A) Discussion and Possible Action on AMENDING MUNICIPAL CODE 14.20.030 LOT LINE ADJUSTMENTS WITHIN A RECORDED PLAT AND 14.20.020 PARCEL JOINDER (LOT CONSOLIDATION)**
- B) Discussion and possible Action On AMENDING ZONING CODE 15.10.160 PROCEDURES FOR LOT LINE ADJUSTMENTS AND 15.10.150 STANDARDS AND REQUIREMENTS FOR PARCEL JOINDER (LOT CONSOLIDATION) -**
- C) Discussion and Possible Action on Approving Lot Line Adjustment Application-**
- D) Discussion and Possible Action on the following Zoning Codes for Animal Governance 15.42.010, 15.20.050, 15.20.030, 15.24.060, 15.20.020, 15.24.050 and 15.24.090**

### **10. FINAL CITIZEN COMMENTS-**

### **11. FINAL COMMENTS -**

### **12. ADJOURNMENT-**

# 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** - opens at 6:14PM Mark Burkett, Wryht Short and Nicole Wood; absent Robert Wilkes and James Loyd.

2. **Discuss Meeting Agenda Items** - Discussion on the renewal of STR's and the lot line adjustment amendments. Discussion on the commercial overlays for the new verbiage for the Commercial, Industrial and Mixed-use classifications in our zoning code. Discussion on c-1, c-2 or c-3 and the density of the zoning area. Discussion on the dark skies policies.

3. **Adjourn** - Closes at 6:41 PM

**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** - opens at 7:00PM; No comments, closes at 7:02PM

**7:01 PM PUBLIC HEARING - Establish Demolition Standards Zoning Code Section 15.46**-opens at 7:02PM; No comments, closes at 7:02 PM

### 7:02 PM MEETING -

1. **CALL TO ORDER** - opens at 7:02PM

2. **ROLL CALL** - Mark Burkett, Wryht Short and Nicole Wood; absent Robert Wilkes and James Loyd.

3. **APPROVAL OR AMENDMENT OF AGENDA** - Motion to amend the agenda, item 4 needs to change to April minutes and eliminate item 1 off of the agenda, made by Wryht and seconded by Mark. All in favor.

4. **APPROVAL OF APRIL 2025 MINUTES** - Motion to approve the April 2025 minutes made by Mark and seconded by Wryht. All in favor.

5. **CONFLICT STATEMENT** - none

6. **ADMINISTRATOR COMMENTS** - We have two building permit applications that were approved. I still answer all those e-mails on permits and questions on zoning. And then sometimes we find some conflicts in the zoning from meeting code to zoning ordinances. So, as we catch them, we'll let you know so you guys can work on them. We're still monitoring the open building permits. We're working on the complaints and compliance issues still. It's going to be ongoing.

7. **CITIZEN COMMENTS** - No comments

### 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

# **BIG WATER PLANNING AND ZONING COMMISSION**

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

**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 – Tabled**

**J) Discussion and Possible Action on Adding Demolition Standards Requirement Section in Zoning Code 15.46** – Motion to approve the adding a demolition standard to the zoning code made by Wryht and seconded by Mark. All in favor. (Amended verbiage of “requiring a building permit” added to section 15.46.020)

**K) Discussion and Possible Action on Amending Municipal Code 14.14.020, Building Permits For**

**Verbiage Additions** – The changes made are the building permit renewal is \$100, is what will be on there for the renewal, because they only last, as we have put on here, there is a permit expiration and renewal. A building permit that shows no progress or, as I said, no inspection activity for a period of 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. Two (2), a building permit that is not completed within six years of the date of issuance shall be subject to an additional fee equal to 30 percent of the original permit cost. This surcharge must be paid before any further inspections or certificate of occupancy can be issued. Motion to approve made by Wryht and seconded by mark. All in favor.

**L) Discussion and Possible Action on Amending Municipal Code 14.20.030, Lot Line Adjustment and Application for Verbiage Changes** – The changes made were to a minimum of six paper copies that shall be presented to the town clerk instead of 12 because 12 was a little excessive. And then farther down on number four, we also added besides the zoning administrator, the town’s engineer, the mayor and the planning commission chair and town attorney would also have signature blocks on there. Motion to approve the changes were made by mark and seconded by Wryht. All in favor

## **9. NEW BUSINESS-**

**10. FINAL CITIZEN COMMENTS- no comments**

**11. FINAL COMMENTS** – Denise brought the new section in the newsletter to the attention of the planning and zoning commission. They want to start adding a little blurb to the newsletter every month from the planning and zoning. Nicole thanks everyone for coming.

**12. ADJOURNMENT**–Motion to adjourn the meeting at 7:11PM made by Wryht and seconded by Mark. All in favor.

**BIG WATER TOWN  
ORDINANCE 07-2025**

 **DRAFT**

**AN ORDINANCE AMENDING MUNICIPAL CODE 14.20.030 LOT LINE  
ADJUSTMENTS WITHIN A RECORDED PLAT AND 14.20.020 PARCEL  
JOINDER (LOT CONSOLIDATION) 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 and parcel joiners 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 \_\_\_\_\_, and has duly considered such recommendations as was received;

**WHEREAS**, the Planning and Zoning Commission passed these updates \_\_\_\_\_;

**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:**

**A M E N D M E N T**

**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 1/2" 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, Surveyor, County Recorder, and Land Use Authority 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.)

**SECTION 2: AMENDMENT “14.20.020 Parcel Joinder (Lot Consolidation)” of the Big Water Municipal Code is hereby *amended* as follows:**

**14.20.020 Parcel Joinder (Lot Consolidation)**

The Big Water Town Council may, upon recommendation by the Planning and Zoning Commission, consider the joining of two, or more, contiguous parcels (lots), following and complying with all the requirements for parcel joinder as identified in the Big Water Zoning Ordinance (2004-236, adopted 12-21-2004, *Chapter 15.10 Development Applications and Procedures, Section 15.10.150 Standards and Requirements for Parcel Joinder (Lot Consolidation)*, amended \_\_\_\_\_, 2009) and at § 10-9a-103, Utah Code Annotated, 1953, as amended (2008), § 10-9a-608 et seq., Utah Code (Amended 2006), and consistent with the requirements of § 10-9a-609, Utah Code (Amended 2007).

1. A parcel joinder (lot consolidation) means:
  - a. revising the legal description of more than one contiguous unsubdivided parcel of property into one legal description encompassing all such parcels of property; or
  - b. joining a subdivided parcel of property to another parcel of property that has not been subdivided, if the joinder does not violate applicable land use/subdivision ordinances.
2. The joining of a subdivided parcel of property to another parcel of property that has not been subdivided does not constitute a subdivision under Subsection (44) as to the unsubdivided parcel of property or subject the unsubdivided parcel to the municipality's subdivision ordinance. (Utah Code § 10-9a-103 Definitions, Amended by Chapter 19, Chapter 112, Chapter 326 and Chapter 360, 2008)
3. Any fee owner, as shown on the last county assessment rolls, of land within the subdivision that has been laid out and platted as provided in this part may, in writing, petition Planning and Zoning to have the plat altered, or amended.
4. The following requirements must be met and accepted by the Zoning Administrator, prior to securing a Parcel Joinder meeting with and recommendation from Planning and Zoning to Town Council.
  - a. Applicant must be the title owner of said property or have written/certified power of attorney to act on behalf of the owner.
  - b. Applicant must submit a completed Big Water Parcel Joinder (Lot Consolidation) Request form to include:
    - i. property owner's name;
    - ii. date;
    - iii. address, phone, cell phone, fax, city, state, Zip code;
    - iv. name, location (lot#, block, section, subdivision platted name) and legal description of subdivision plat;
    - v. reason for parcel joinder request;
    - vi. certification to conform to Big Water ordinances.
  - c. Applicant 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~~twelve~~ (6) sheets

paper (8 1/2" 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 signatures of the ~~Mayor, Planning Commission Chair, Town Engineer, Surveyor, County Recorder, and Land Use Authority and Town Attorney~~. (See Section 14.08.020 of the Big Water Subdivision Ordinance)

- d. Applicant must provide the names and addresses of all property owners in said plat/subdivision within 500 feet of joinder properties.
- e. Applicant must provide paid tax statement for the current year.
- f. Applicant must pay the applicable parcel joinder fees to the Town Clerk in accordance with the current Big Water Rates and Fees for Municipal Services schedule. Applicant also is responsible for any other applicable fees, e.g., engineering review, title search, recording fee.
- g. Applicant must provide a title report, by a licensed Title Company, for the properties proposed for parcel joinder with the application .
- h. Applicant or authorized agent must be present for public meeting at which parcel joinder is an agenda item, or the application will be tabled.

5. An incomplete application will not be scheduled for a Planning & Zoning Commission public meeting agenda.
6. The Zoning Administrator shall ensure that notice is given to all affected property owners within 500 feet of joinder properties, pursuant to local ordinance.
7. The Planning and Zoning Commission shall give its recommendation within 30 days after the proposed parcel joinder request is referred, or as that time period is extended by agreement with the applicant. (Utah Code § 10-9a-608 et seq., (2)(a)(ii), Amended 2006)
8. Town Council will make its decision within 45 days after the petition is filed or, if applicable, within 45 days after receipt of the planning commission's recommendation.
9. Town Council shall hold a public hearing (§ 10-9a-207, et seq., Utah Code Amended 2006, 10-9a-509, et seq., Utah Code Amended 2008, and § 10-9a-608, et seq., Utah Code Amended 2006) if
  - a. any owner within the plat notifies the municipality of his/her objection in writing within ten (10) days of mailed notification or by published notification deadline; or
  - b. if required, all owners in the subdivision have not signed the revised plat; or
  - c. the parcel joinder amends a public street, alley or right-of-way (§ 10-9a-208, Utah Code Amended 2006, and § 10-9a-609.5 et seq., Utah Code Amended 2007); or
  - d. Council finds that a compelling, countervailing public interest would be jeopardized by approving the application (§ 10-9a-509, et seq., Utah Code Amended 2008).
10. The public hearing requirement (§ 10-9a-207, et seq., Utah Code Amended 2006, § 10-9a-509, et seq., Amended 2008, and § 10-9a-608, et seq., Utah Code Amended 2006), does not apply and Town Council may consider at a public meeting an owner's petition to alter or amend a subdivision plat if:
  - a. the petition seeks to join two or more of an owner's contiguous, residential lots;

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- b. notice has been given pursuant to local ordinance;
- c. the parcel joinder does not amend a public street or right-of-way (§ 10-9a-208, Utah Code Amended 2006); and
- d. Council is satisfied that neither the public interest nor any person will be materially injured by the proposed alteration or amendment, and that there is good cause for the alteration or amendment.

11. Town Council may approve the vacation, alteration, or amendment by signing an amended final plat showing the vacation, alteration, or amendment.
12.
  - a. After the plat has been acknowledged, approved and certified, the owner of the land shall, within the time period designated by ordinance, record the plat in the Kane County recorder's office.
  - b. An owner's failure to record a plat within the time period designated by ordinance renders the plat void. (§ 10-9a-603, (5) (a)(b), Utah Code Amended 2008)
13. The Town Council shall ensure that the amended plat showing the vacation, alteration, or amendment is recorded in the office of the county recorder in which the land is located (§ 10-9a-609, et seq., Utah Code Amended 2007) within one year of the certified date of the plat.

**SECTION 3: REPEALER CLAUSE** All ordinances or resolutions or parts thereof, which are in conflict herewith, will be changed to match this ordinance.

**PASSED AND ADOPTED BY THE BIG WATER TOWN COUNCIL**

	<b>AYE</b>	<b>NAY</b>	<b>ABSENT</b>	<b>ABSTAIN</b>
Mayor David Schmuker	_____	_____	_____	_____
Council member Jim Lybarger	_____	_____	_____	_____
Council member Luke McConville	_____	_____	_____	_____
Council member Jennie Lassen	_____	_____	_____	_____
Council member James Loyd	_____	_____	_____	_____

Presiding Officer

Attest

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David W. Schmuker, Mayor, Big Water Town

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Katie Joseph, Clerk, Big Water Town

**BIG WATER TOWN  
ORDINANCE 13-2025 LOT LINE ADJUSTMENT AMENDMENTS AND PARCEL  
JOINDERS**

**AN ORDINANCE AMENDING ZONING CODE 15.10.160 PROCEDURES FOR  
LOT LINE ADJUSTMENTS AND 15.10.150 STANDARDS AND REQUIREMENTS  
FOR PARCEL JOINDER (LOT CONSOLIDATION) 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 and parcel joinders 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 \_\_\_\_\_, and has duly considered such recommendations as was received;

**WHEREAS**, the Planning and Zoning Commission passed these updates \_\_\_\_\_;

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

**SECTION 1: AMENDMENT “15.10.160 Procedures For Lot Line Adjustment” of the Big Water Zoning Code is hereby *amended* as follows:**

**A M E N D M E N T**

**15.10.160 Procedures For Lot Line Adjustment**

In accordance with the Town of Big Water, Utah, Subdivision Ordinance (2004-236, adopted 12-21-2004, Vacating or Changing a Subdivision Plat, amended by Municipal Ordinance 2009-258, April 20, 2009) 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 twelve (6+2)~~ paper (8 1/2" 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, Mayor, Surveyor, County Recorder, and Land Use Authority 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 Section 15.10.150(7-10), for the required additional processes.)

**SECTION 2: AMENDMENT** “15.10.150 Standards And Requirements For Parcel Joinder (Lot Consolidation)” of the Big Water Zoning Code is hereby *amended* as follows:

## 15.10.150 Standards And Requirements For Parcel Joinder (Lot Consolidation)

The Big Water Town Council may, upon recommendation by the Planning and Zoning Commission, consider the joining of two, or more, contiguous parcels (lots), following and complying with all the requirements for vacating or changing a subdivision plat, as identified in the Town of Big Water, Utah, Subdivision Ordinance (2004-236, adopted 12-21-2004, Section 800, amended by Municipal Ordinance 2009-259, April 20, 2009) and at § 10-9a-103, Utah Code Annotated, 1953, as amended (2008), § 10-9a-608 et seq., Utah Code (Amended 2006), and consistent with the requirements of § 10-9a-609 Utah Code (Amended 2007).

1. A parcel joinder (lot consolidation) means:
  - a. revising the legal description of more than one contiguous unsubdivided parcel of property into one legal description encompassing all such parcels of property; or
  - b. joining a subdivided parcel of property to another parcel of property that has not been subdivided, if the joinder does not violate applicable land use/subdivision ordinances.
2. The joining of a subdivided parcel of property to another parcel of property that has not been subdivided does not constitute a subdivision under Subsection (44) as to the unsubdivided parcel of property or subject the unsubdivided parcel to the municipality's subdivision ordinance. (Utah Code § 10-9a-103 Definitions, Amended by Chapter 19, Chapter 112, Chapter 326 and Chapter 360, 2008)
3. Any fee owner, as shown on the last county assessment rolls, of land within the subdivision that has been laid out and platted as provided in this part may, in writing, petition Planning and Zoning to have the plat altered, or amended.
4. The following requirements must be met and accepted by the Zoning Administrator, prior to securing a Parcel Joinder meeting with and recommendation from Planning and Zoning to Town Council.
  - a. Applicant must be the title owner of said property or have written/certified power of attorney to act on behalf of the owner.
  - b. Applicant must submit a completed Big Water Parcel Joinder (Lot Consolidation) Request form to include:
    - i. property owner's name;
    - ii. date;
    - iii. address, phone, cell phone, fax, city, state, Zip code;
    - iv. name, location (lot #, block, section, subdivision platted name) and legal description of subdivision plat;
    - v. reason for parcel joinder request;
    - vi. certification to conform to Big Water ordinances.
  - c. Applicant must submit a revised (final) plat, 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~~<sup>twelve</sup> (6<sup>12</sup>) paper (8 1/2" 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 signatures of the ~~Mayor, Planning Commission Chair, Town Engineer, Surveyor, County Recorder, and Land Use Authority and Town Attorney~~. (See Section 14.08.020 of the Big Water Subdivision Ordinance)

- d. Applicant must provide the names and addresses of all property owners in said plat/subdivision within 500 feet of joinder properties.
- e. Applicant must provide paid tax statement for the current year.
- f. Applicant must pay the applicable parcel joinder fees to the Town Clerk in accordance with the current Big Water Rates and Fees for Municipal Services schedule. Applicant also is responsible for any other applicable fees, e.g., engineering review, title search, recording fee.
- g. Applicant must provide a title report, by a licensed Title Company, for the properties proposed for parcel joinder with the application.
- h. Applicant or authorized agent must be present for public meeting at which parcel joinder is an agenda item, or the application will be tabled.

5. An incomplete application will not be scheduled for a Planning & Zoning Commission public meeting agenda.
6. The Zoning Administrator shall ensure that notice is given to all affected property owners within 500 feet of joinder properties, pursuant to local ordinance.
7. The Planning and Zoning Commission shall give its recommendation within 30 days after the proposed parcel joinder request is referred, or as that time period is extended by agreement with the applicant. (Utah Code § 10-9a-608 et seq., (2)(a)(ii), Amended 2006)
8. Town Council will make its decision within 45 days after the petition is filed or, if applicable, within 45 days after receipt of the planning commission's recommendation.
9. Town Council shall hold a public hearing (§ 10-9a-207, et seq., Utah Code Amended 2006, 10-9a-509, et seq., Utah Code Amended 2008, and § 10-9a-608, et seq., Utah Code Amended 2006) if:
  - a. any owner within the plat notifies the municipality of his/her objection in writing within ten (10) days of mailed notification or by published notification deadline; or
  - b. if required, all owners in the subdivision have not signed the revised plat; or
  - c. the parcel joinder amends a public street, alley or right-of-way (§ 10-9a-208, Utah Code Amended 2006, and § 10-9a-609.5 et seq., Utah Code Amended 2007); or
  - d. Council finds that a compelling, countervailing public interest would be jeopardized by approving the application (§ 10-9a-509, et seq., Utah Code Amended 2008).
10. The public hearing requirement (§ 10-9a-207, et seq., Utah Code Amended 2006, § 10-9a-509, et seq., Amended 2008, and § 10-9a-608, et seq., Utah Code Amended 2006), does not apply and Town Council may consider at a public meeting an owner's petition to alter or amend a subdivision plat if:
  - a. the petition seeks to join two or more of an owner's contiguous, residential lots;
  - b. notice has been given pursuant to local ordinance;

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- c. the parcel joinder does not amend a public street or right-of-way (§ 10-9a-208, Utah Code Amended 2006); and
- d. Council is satisfied that neither the public interest nor any person will be materially injured by the proposed alteration or amendment, and that there is good cause for the alteration or amendment.

11. Town Council may approve the vacation, alteration, or amendment by signing an amended final plat showing the vacation, alteration, or amendment.
12.
  - a. After the plat has been acknowledged, approved and certified, the owner of the land shall, within the time period designated by ordinance, record the plat in the Kane County recorder's office.
  - b. An owner's failure to record a plat within the time period designated by ordinance renders the plat void. (§ 10-9a-603, (5)(a)(b), Utah Code Amended 2008)
13. The Town Council shall ensure that the amended plat showing the vacation, alteration, or amendment is recorded in the office of the county recorder in which the land is located (§ 10-9a-609, et seq., Utah Code Amended 2007) within one year of the certified date of the plat.

PASSED AND ADOPTED BY THE BIG WATER TOWN COUNCIL

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

Presiding Officer

Attest

David W. Schmuker, Mayor, Big  
Water Town

Katie Joseph, Clerk, Big Water Town

## **15.24.090 Small-Scale Subsistence Animal Keeping**

All Small-Scale Subsistence Animal Keeping, as defined herein, shall comply with the following:

1. All animals must be kept in such a manner that they do not disturb the peace, comfort, or health of any person or animal.
2. All pens, yards, shelters, cages, areas, places and premises where they are kept shall be maintained so that flies, odors, the accumulation of manure or other noxious materials do not disturb the peace, comfort or health of any person or animal.
3. All waste must be disposed of in a proper manner.
4. The number of animals allowed shall be limited to three adult sheep or goats and their offspring of not more than 4 months old per lot, and not more than ~~twelve chickens or rabbits per lot.~~
5. If a resident has more than one contiguous lot with only one residence on those lots, they may combine their quota of animals in a single pen area on one lot for convenience. However, the total number of animals shall not exceed the maximum number of animals allowed for the total lots.
6. Meet any and all additional conditions set forth by the Planning Commission.

### **HISTORY**

Adopted by Ord. 2004-235 on 12/21/2004

## **15.24.050 Household Pets**

1. All household pets, as defined herein, must be kept in such a way that they do not disturb the peace, comfort, or health of any person or animal.
2. Yards, shelters, cages, areas, places and premises where they are kept shall be maintained so that flies, odors, the accumulation of manure or other noxious materials do not disturb the peace, comfort or health of any person or animal.
3. All waste must be disposed of in a proper manner.
4. ~~In zones R-1 and R-2 chickens and ducks are limited to no more than 6 total with no roosters permitted.~~

### **HISTORY**

Adopted by Ord. [2004-235](#) on 12/21/2004

Amended by Ord. [2019-01](#) on 4/15/2019

## **15.20.020 Zoning District Purpose**

The zoning districts are formulated to provide and achieve the following purposes:

1. **RE-2 Residential Estates Zone.** The RE-2 Residential Estates Zone is provided to allow for residential estate uses and neighborhoods of a rural character together with a ~~limited number of livestock for~~ the benefit and enjoyment of the residents of the neighborhood.
2. **RE-1 Residential Estates Zone.** The RE-1, Residential Estates Zone is provided to allow for residential estate neighborhoods of a rural character together with a ~~limited number of livestock for~~ the benefit and enjoyment of the residents of the neighborhood.
3. **Residential (R-1) Residential Zone.** The R-1 Residential Zone is provided to allow the opportunity where residential areas may be established, maintained, and protected. The R-1 Zone District also allows for the establishment, with proper controls for public and semi-public uses such as churches, schools, libraries, parks and playgrounds that serve the requirements of families. The regulations are intended to prohibit those uses that would be harmful to a residential neighborhood.
4. **R-2 Mixed Use Residential Zone.** The R-2 Mixed Use Residential Zone is provided, with the establishment of proper controls to allow the use of manufactured homes. This zone is designed to deal with areas of existing mixed use.
5. **C-1 General Commercial Zone.** The purpose of the C-1 General Commercial Zone is to provide areas for retail and service activities in locations convenient to serve residents.
6. **M-1 Mixed Use Zone .** The purpose of the M-1 Zone is to provide a variety of uses as an appropriate transition between high-traffic streets and residential uses.
7. **I-2 Heavy Industrial Zone.** The I-2 zone is provided to allow for heavy industrial uses not allowed in any other zone.

### **HISTORY**

Adopted by Ord. [2004-235](#) on 12/21/2004

Amended by Ord. [2005-241](#) on 2/22/2005

Amended by Ord. [2014-275](#) on 1/27/2014

Amended by Ord. [2020-04](#) on 3/23/2020

## **15.24.060 Domestic Livestock Keeping**

The keeping of domestic livestock, as provided by this Section, may be allowed, subject to the following:

1. All domestic livestock, as defined herein, shall be kept in such a way as not to disturb the peace, comfort or health and safety of any person or animal.
2. All pens, stalls, stables, yards, shelters, cages, areas, places and premises where livestock are held or kept, shall be maintained so that flies, insects, or vermin, rodent harborage, odors, ponded water, the accumulation of manure, garbage or other noxious materials do not disturb the peace, comfort or health of any person or animal.
3. It is prohibited for any person to keep or shelter any livestock within 100 feet of a building used for human habitation, other than their own.
4. No pigs shall be permitted except as outlined in code 15.24.070.
5. On lots one-half acre or more, no more than two animals and 10 fowl shall be permitted.
6. On lots one acre or more, no more than four animals and 15 fowl shall be permitted.
7. On lots one and one-half acres or more, no more than six animals and 20 fowl shall be permitted.
8. On lots two acres or more, no more than eight animals and 25 fowl shall be permitted.
9. No livestock shall be raised for commercial purposes but shall be for family use only.

### **HISTORY**

Adopted by Ord. [2004-235](#) on 12/21/2004

Amended by Ord. [2019-01](#) on 4/15/2019

## 15.20.030 Table Of Uses

The Table of Uses (Table 1) identifies the uses allowed within each Zoning District. The Table of Uses identifies uses allowed as a Permitted Use (identified as "P" in the Tables of Uses), uses allowed as a Conditional Use (identified as "C" in the Tables of Uses) and uses allowed as a Temporary Use (identified as "T" in the Tables of Uses). Uses, identified as an "X" in the Table of Uses are determined to be a Prohibited Use in the particular Zoning District. All uses not included in the Table of Uses are determined to be Prohibited Uses within Big Water Town (See Section 15.20.040).

**TABLE 1**  
**TABLE OF ALLOWED USES**  
**BY ZONING DISTRICT**

USE	ZONING DISTRICT (ZONE)						
	RE-2	RE-1	R-1	R-2	C-1	M-1	I-2
Accessory Building (meeting the requirements of Table 2 and Section 15.24)	P	P	P	P	P	P	P
Accessory Dwelling Unit	P	P	P	X*	P	P	P
Accessory Use	P	P	P	P	P	P	P
Alcohol Sales (meeting the requirements of municipal code 5.12)	X	X	X	X	P	P	X
Apiary/Beekeeping	P	P	P	P	P	P	P
Automobile and Recreational Vehicle Repair	X	X	X	X	P	X	P
Cemetery	C	C	C	C	C	C	C
Church	C	C	C	C	P	P	X
Commercial Day Care/Preschool center	X	X	X	X	C	P	X
Commercial Enclosed and Outside Storage of Automobiles, Watercraft and Recreational Vehicles	X	X	X	X	P	P*	P
Commercial Sales and Service//Contractor's Shop or Office//Contractor's Storage Yard	X	X	X	X	P	X	P
Construction Trailer	P	P	P	P	P	P	P
Domestic Livestock Keeping (meeting the requirements of Section 15.24.060)	P	P	X	X	C	P	X
Fire Department Temporary Sleeping Quarters	X	X	X	X	C	X	X
Equestrian Facilities (meeting the requirements of Section 15.24.065)	X	X	X	X	C	P	P
Food Establishment	X	X	X	X	P	C	X
Golf Course	P	X	X	X	C	C	P
Gravel Pit	X	X	X	X	X	X	P
Guest Ranch and Resorts	X	X	X	X	P	P	X
Home Day Care	P	P	P	P	X	X	X

Home Occupation (Major)	C	C	C	C	X	P	X
Home Occupation (Minor)	P	P	P	P	X	P	X
Home Preschool	P	P	P	P	X	P	X
Hotel / Motel	X	X	X	X	P	X	P
<del>Household Pets</del> (meeting the requirements of Section 15.24.050)	P	P	P	P	P	P	P
Internal Accessory Dwelling Unit	P	P	P	X*	P	P	P
Kennel (meeting the requirements of Section 15.24.100)	X	X	X	X	P	P	P
Light Manufacturing	X	X	X	X	P	X	P
Manufactured Home (meeting the requirements of Section 15.24.020)	P	P	P	P	C	P	X
Manufacturing, Processing and Assembling	X	X	X	X	P	X	P
Multi-Family Residential Dwelling	X	C	C	C	X	P	X
Private Club	X	X	X	X	P	X	X
Professional Offices	X	X	X	X	P	P	X
Public Uses and Utilities	X	X	X	X	P	P	P
Recreational Vehicle Park	X	X	X	X	C	C	C
Residential Facility for Elderly Persons and for Persons with Disabilities(meeting the requirements of Section 15.24.120 and/or 15.24.130)	P	P	P	P	C	P	X
Salvage Yard	X	X	X	X	X	X	P
School	P	P	P	P	P	P	X
Self-Service Storage Facility	X	X	X	X	P	X	P
Short Term Rental (meeting the requirements of Section 15.40)	P	P	P	P	X	P	X
Single-Family Dwelling (meeting the requirements of Section 15.24.020)	P	P	P	P	X	P	X
Telecommunications Site/Facility	X	X	X	X	P	P	P
Temporary Dwelling Unit	P	P	P	P	P	P	P
Temporary Use (meeting the requirements of See Section 15.16)	T	T	T	T	T	T	T
Wholesale Business & Storage	X	X	X	X	P	X	P
4-H and/or Educational Animal Project (meeting the requirements of Section 15.24.070)	P	P	C	C	C	P	X

Tables of Uses Notes:

P = Permitted Use;

C = Conditional Use;

**15.20.050 Use Definitions**

To facilitate ease of administration and clarity in the uses allowed within Big Water Town the following use definitions are provided. The use definitions should be considered when applying the use provisions and requirements as presented in Table 1, Table of Uses.

- 1. Accessory Building** — A building clearly subordinate and incidental to the principal existing building on the same lot and meeting all applicable Building Code requirements, as adopted by the Town. Metal Accessory Buildings must match the Principal Building.
- 2. Accessory Dwelling Unit** — A Dwelling Unit which has a square footage not more than 30% of the square footage of the principal structure and which is located on the same lot as the principal structure and meets all applicable Building Code requirements, as adopted by the Town. Accessory Dwelling Units may be used for an employee or guest of the owner of the principal structure and as a Short Term Rental where permitted.
- 3. Accessory Use** — A use subordinate to and clearly incidental to the principle existing use on the same lot.
- 4. Advertising Sign** — Any sign or display device including but not limited to billboards, electronic message centers (EMCs), LED displays, banners, and freestanding or attached signage, used to advertise a product, service, brand, or event that conveys a commercial message, promotes a brand, business, or service, or directs attention to a commercial activity, whether located on-premises or off-premises.
- 5. Apiary/Beekeeping** — "Apiary" means any place where one or more colonies of bees are located; "Bee" means the common honey bee at any stage of development; "Beekeeping" means anyone who is the state registered owner or operator of a hive or hives; "Hive" means a frame hive, box hive, box, barrel, log, gum skep, or other artificial or natural receptacle which may be used to house bees.
- 6. Automobile and Recreational Vehicle Repair** — A building or land area in which, or upon which, a business or service involving the maintenance, servicing, or repair of automobiles and/or recreational vehicles is conducted or provided.
- 7. Business Sign** — A business sign is any sign, display, or device that is permanently or temporarily affixed to a building, structure, or property and is used to identify the name, services, or products of a business, profession, or organization that operates on the premises where the sign is located. Business signs do not include off-premises advertising signs or billboards.
- 8. Cemetery** — A place designated for the burial or keeping of human remains, including crematories and mausoleums and meeting all applicable Local, State and Federal requirements and regulations.
- 9. Church** — A facility principally used for people to gather for public worship, religious training, or other religious activities. One accessory dwelling for the housing of the pastor or similar leader of the church and their family will be considered accessory and incidental as a part of this use.
- 10. Commercial Day Care/Preschool Center** - Any facility, at a nonresidential location and operated by a person qualified and licensed by the State of Utah, which provides children with day care and/or preschool instruction as a commercial business and complying with all State standards and licensing.
- 11. Commercial Enclosed and Outside Storage of Automobiles, Watercraft, and Recreational Vehicles** - A building or land area where four (4) or more automobiles, watercraft, and/or recreational vehicles are stored for a period exceeding seventy-two (72) hours for a fee.
- 12. Commercial Sales and Service** — An activity involving the sale of goods and services carried out for profit.
- 13. Contractor's Shop/Office** — A facility providing building construction and maintenance including carpentry and the installation of plumbing, roofing, electrical, air conditioning, and heating.

**14. Contractor's Storage Yard** - A facility or land area for the storage of materials, equipment, and/or commercial vehicles utilized by building and construction contractors, craftsmen and tradesmen, and may include accessory offices related to such activities.

**15. Construction Trailer** — A trailer, or other temporary movable building, used for the housing of materials, or the location of a construction office, required during the duration of the establishment of any authorized building or structure, and which must be removed upon completion of construction.

**16. Dwelling** - means a residential structure attached to real property that contains one to four units including any of the following if used as a residence:

- a. a condominium unit;
- b. a cooperative unit;
- c. a manufactured home; or
- d. a house

**17. Domestic Livestock** — Animals historically found on farms in Southern Utah, including farm poultry and farm animals.

**18. Equestrian Facilities** - A facility created and maintained for the purpose of accommodating, training, or competing equids. These facilities may include stables, corrals, rodeo arenas, and riding schools.

**19. Fire Department Temporary Sleeping Quarters:** - Temporary sleeping quarters for use by fire department personnel while on duty. Must be on the same property as the Firehouse. May consist of bunkrooms, recreational vehicles, etc.

**20. Food Establishment** - An establishment where food and drink are prepared and served. This may include beer in accordance with Municipal Code 5.12.

**21. Golf Course** - A recreational facility primarily used for the purpose of playing golf, but which may include associated eating and drinking areas, retail sales areas and staff offices.

**22. Gravel Pit** — An open excavation or pit from which gravel or other stones or earthen materials are obtained by digging, cutting, or blasting.

**23. Guest Ranch and Resort** — A facility, including either a single building, permanent or semi-permanent camping facilities (glamping), or resort cabins, which serve as a destination point for visitors and generally has recreational facilities for the use of guests and may include residential accommodations for guests. Guest residency is limited to no more than 90 days.

**24. Home Day Care** — The care for children who are family and non-family members in an occupied dwelling, and complying with all State standards and licensing, by the resident of that dwelling at least twice a week for more than three (3) children, but fewer than nine (9) children. The total number of children being cared for shall include children under the age of four (4) years residing in the dwelling, who are under the supervision of the provider during the period of time the child care is provided. When a care giver cares for only three (3) children under age two (2), the group size, at any given time shall not exceed six (6).

**25. Home Occupation (Major)** — An activity carried out for gain by a resident of the dwelling unit and conducted as a customary, incidental, and accessory use to the dwelling unit, or conducted on the same lot as the residents dwelling and provided that the Home Occupation (Major):

- a. Does not result in noise or vibration, light, odor, dust, smoke, or other air pollution greater than generally created by a residential use noticeable at or beyond the property line.
- b. May allow for the conduct of the Home Occupation (Major) and the storage of required materials and supplies in an accessory structure.
- c. Has signage limited to a non-illuminated identification sign six (6) square feet or less in size.

- d. Does not produce traffic volumes exceeding that produced by the dwelling unit by more than 10 average daily trips during any 24-hour period.
- e. Complies with all Federal and State licensing requirements.
- f. Complies with all Local licensing requirements.

**26. Home Occupation (Minor)** — An activity carried out for gain by a resident of the dwelling unit and conducted entirely within the dwelling unit as a incidental use and provided that the Home Occupation (Minor):

- a. Does not result in noise or vibration, light, odor, dust, smoke, or other air pollution greater than generally created by a residential use noticeable at or beyond the property line.
- b. Does not require the use of any accessory structure.
- c. Does not include any outside storage of goods, materials, or equipment.
- d. Signage is limited to a non-illuminated identification sign of six (6) square feet or less in size.
- e. Does not produce traffic volumes exceeding that produced by the dwelling unit by more than 10 average daily trips during any 24-hour period.
- f. Complies with all Federal and State licensing requirements.
- g. Complies with all Local licensing requirements.

**27. Home Preschool** — A preschool program and complying with all State standards and licensing for non-family members in an occupied dwelling, by residents of that dwelling, in which lessons are provided for not more than six (6) children for each session of instruction. Sessions shall last for not more than four (4) hours and shall not overlap. Individual children may attend only one (1) preschool session in any 24-hour period.

**28. Hotel/Motel** — A building offering transient lodging accommodations to the general public and which may offer additional services, such as restaurants, meeting rooms, entertainment, and recreational facilities.

*-also in 15.42.010 Pets,*

**29. Household Pets** — Animals ordinarily permitted in the house or yard and kept for the company or pleasure of the owner. Household pets may include, but are not limited to dogs, cats, chickens, ducks, and rabbits. Household Pets do not include exotic animal or inherently and/or potentially dangerous animals, fowl or reptiles.

**30. Kennel** — Any establishment at which four (4) or more dogs or cats are bred or raised for sale, boarded or cared for commercially or on a nonprofit basis.

**31. Light Manufacturing** — The assembly, fabrication or processing of goods and materials using processes that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building or lot where such assembly, fabrication or processing takes place, where such processes are housed entirely within a building, or where the area occupied by outdoor storage of goods and materials used in such processes does not exceed twenty-five percent of the floor area of all buildings on the property. Light manufacturing generally includes processing and fabrication of finished products, predominantly from previously prepared materials, and includes processes that do not require extensive floor areas or land areas.

**32. Manufactured Home** — A structure transportable in one or more sections, which is built on a permanent chassis and designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

**33. Manufacturing, Processing, and Assembling** — Establishments engaged in the mechanical or chemical transformation of materials or substances into new products.

34. **Monochrome** — Being of relating to or made with a single color or hue, and involving and producing visual image in a single color or in varying tones of a single color.

35. **Multi-Family Residential Dwelling** — A building containing more than one (1) dwelling unit and complying with all requirements of the Zoning District in which it is located, including lot size and density requirements.

36. **Nits** — A unit of measurement for luminance, which quantifies how bright a surface (such as an LED sign or screen) appears to the human eye. Higher nits equals brighter display.

37. **Private Club** — Any nonprofit corporation operating as a social club, recreational, fraternal or athletic association, or kindred association organized primarily for the benefit of its stock holders or members.

38. **Professional Offices** — A building for the professions including but not limited to government, physicians, dentists, lawyers, realtors, architects, engineers, artists, musicians, designers, teachers, accountants and others who, through training, are qualified to perform services of a professional nature, and where no storage or sale of merchandise exists.

39. **Public Uses and Utilities** — A use operated exclusively by a public body or quasi-public body, such use having the purpose of serving the public health, safety or general welfare, and including recreational facilities, administrative and service facilities, and public utilities including water and sewer facilities, gas and electricity facilities, cable television facilities, and telecommunications facilities, but excluding airports, prisons and animal control facilities.

40. **Recreational Vehicle Park** — An area of land upon which two or more campsites are located, established, or maintained for occupancy by a tent or recreational vehicle as a temporary dwelling unit for recreational or vacation purposes.

41. **Residential Facility for Elderly Persons or for Persons with Disabilities** — A facility as defined by Sec. 17-27-103; Sec. 17-27-501; and Sec. 17-27-502, Utah Code Annotated, as amended or a residential dwelling (for four (4) or more persons) as licensed by the Utah Department of Human Services, Division of Services for People with Disabilities. Disability means a physical or mental impairment that substantially limits one or more of a person's major life activities, including a person having a record of such impairment or being regarded as having such impairment. (57-21-2(9)(a) Utah Code Annotated, 1953, as amended). Disability does not include current illegal use of, or addiction to, any federally controlled substance. Disability does not include placement in lieu of confinement, rehabilitation, or treatment in a correctional facility.

42. **Salvage yard** — The use of any lot, portion of a lot, or land for the commercial storage, keeping or abandonment of junk, including scrap metals or other scrap material, or for the dismantling, demolition or abandonment of automobiles or other vehicles or machinery.

43. **School** — Any building or part thereof that is designed, constructed, or used for education or instruction by a public or private organization in any branch of knowledge, but excluding preschool center.

44. **Self-Service Storage Facility** — A structure, or structures, containing separate, individual, and/or private storage spaces of varying sizes leased or rented on individual leases for varying periods of time. Such facilities are to be used for dead storage only. The following activities are prohibited within any Self- Storage Service Facility:

1. Commercial, wholesale or retail sales, or miscellaneous or garage sales.
2. The servicing, repair, or fabrication of motor vehicles, boats, trailers, small engine equipment, or similar equipment.
3. The operation of power tools, spray-painting equipment, compressors, welding equipment, kilns, or similar equipment.

4. The establishment of a transfer business.
5. Any use that is noxious or offensive because of odors, dust, noise, or vibrations.

**Short Term Rental** - A residential dwelling unit or a part of a dwelling unit, including an accessory dwelling unit, a single-family unit or multiple-family unit, being utilized by any person, other than the owner, as lodging on a daily, weekly, or any other basis for up to thirty (30) consecutive days, in exchange for rent. Nightly rental does not include the use of Dwelling for Commercial Uses.

**Single-Family Dwelling** — A building arranged or designed to be used for and containing one dwelling unit. All single family dwellings including new manufactured, modular, or site-built homes shall meet all applicable codes, ordinances and regulations and have the minimum floor square footage of particular zone in which the dwelling is located and a ratio of dwelling unit length to width of not more than four (4).

**Telecommunications Site/Facility** — A facility used for the transmission or reception of electromagnetic or electro-optic information, which is placed on a structure. This use does not include radio frequency equipment that has an effective radiated power of 100 watts or less. This use is not required to be located on a building lot or to comply with the minimum lot size requirement for the district in which it is located.

**Temporary Dwelling Unit** — A dwelling unit established for a limited period during the construction of a permanent structure unit and meeting all applicable codes, ordinances and regulations and located on a lot of record for which a valid Building Permit has been issued by the Town.

**Temporary Use** — A special event or use established for a maximum period of 45 days, such use being discontinued after the expiration of 45 days, as provided by Section 15.16.030 and conducted in compliance with all the requirements of this Ordinance.

**Wholesale Business and Storage** — Establishments or places of business primarily engaged in selling of merchandise to retailers; to industrial, commercial, institutional, or professional business users; to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

**4H and/or Educational Projects** — The keeping of domestic livestock and/or household pets for educational purposes, such activities being sponsored by an educational or agricultural organization.

#### HISTORY

Adopted by Ord. [2004-235](#) on 12/21/2004  
Amended by Ord. [2019-01](#) on 4/15/2019  
Amended by Ord. [2020-04](#) on 3/23/2020  
Amended by Ord. [2022-2](#) on 12/21/2022  
Amended by Ord. [02-2025](#) on 4/16/2025

## **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 is 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  $\frac{1}{2}$  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, are, 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.

#### HISTORY

Adopted by Ord. [2004-235](#) on 12/21/2004

Amended by Ord. [2019-01](#) on 4/15/2019

Amended by Ord. [2022-2](#) on 12/21/2022

Amended by Ord. [17-2024](#) on 12/18/2024