

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 MEETING

July 7, 2025

6:00 PM WORK SESSION

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

7:00 PM PUBLIC HEARING – Amending the Zoning Codes for Animal and Livestock

Governance Sections: 15.42.010, 15.20.050, 15.20.030, 15.24.060, 15.20.020, 15.24.050 and 15.24.090

7:01 PM MEETING –

- 1. CALL TO ORDER –**
- 2. ROLL CALL –**
- 3. APPROVAL OR AMENDMENT OF AGENDA-**
- 4. APPROVAL OF JUNE 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 Amending Municipal Code 14.20.030 Lot Line Adjustments Within a Recorded Plan and 14.20.020 Parcel Joinder (Lot Consolidation) –**

J) Discussion and possible Action on Amending Zoning Code 15.10.160 Procedures For Lone Line Adjustments and 15.10.150 Standards and Requirements for Parcel Joinder (Lot Consolidation) –

9. NEW BUSINESS--

A) Discussion and Possible Action on PROPOSED Ordinance 13-2025 - Zoning Codes for Animal and Livestock Governance 15.42.010, 15.20.050, 15.20.030, 15.24.060, 15.20.020, 15.24.050 and 15.24.090 (addressed in the public hearing)-

B) Discussion and Possible Action on the Approval of a New Short-Term Rental (STR) Application-

C) Discussion and Possible Action on Open Planning and Zoning Seat-

10. FINAL CITIZEN COMMENTS-

11. FINAL COMMENTS –

12. ADJOURNMENT–

Notice of Public Hearing

Notice is hereby given that on Monday, July 7, 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 Amending the Zoning Codes for Animal and Livestock Governance Sections:
15.42.010, 15.20.050, 15.20.030, 15.24.060,
15.20.020, 15.24.050 and 15.24.090

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 COMMISSION

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

DRAFT MINUTES

6:00 PM WORK SESSION

7:00 PM MEETING

June 2, 2025

6:00 PM WORK SESSION

- 1. Call to Order** - @ 6:24 PM Present: Mark Burkett, Wryht Short, Nicole Wood and Robert Wilkes
- 2. Discuss Meeting Agenda Items** - Discussion on the lot line adjustment application. The commission got clarity from the lot owner, Martin Anderson, about where the lot line adjustment is going to be on what lots. Martin states the changes are 67.4 feet and the new ones are 70 feet. The commission agrees everything presented looks good to them for approval.

Discussion on livestock definitions and other contradicting verbiage across the zoning code. Talked about what the definition of a domestic pet is. Talked about what was redundant in the code and what can be taken out. Discussed the definitions and clarified with more detail what domestic and livestock were. More clarity on the equine aspect of livestock.

- 3. Adjourn** - @ 7: 02 PM

7:00 PM MEETING -

- 1. CALL TO ORDER** - @ 7:03 PM
- 2. ROLL CALL** - Present: Mark Burkett, Wryht Short, Nicole Wood and Robert Wilkes
- 3. APPROVAL OR AMENDMENT OF AGENDA** - Motion to approve made by Wryht, seconded by Mark, all in favor.
- 4. APPROVAL OF MAY 2025 MINUTES** - Motion to approve made by Nicole, seconded by Wryht, all in favor.
- 5. CONFLICT STATEMENT** - Nicole and Wryht have a possible conflict with the domestic livestock, as they own them, changes being discussed later in the meeting. Mark none; Robert none.

6. ADMINISTRATOR COMMENTS -

- 7. CITIZEN COMMENTS** - Tom Reneau 15.24.060 Domestic livestock keeping. Item 9 no livestock shall be used for raised for commercial purposes but shall be for families only. Will that preclude the owner of chickens from selling their eggs? Because some people in Big Water have chickens and they do offer their eggs for sale. And they do advertise sometimes on the bulletin board in the post office that they have eggs available. Nicole responds No because they would have to make more than \$2500 and have a business license. Robert responds So this wouldn't pertain to them because they're not - they're doing it for themselves and what they have left over they're selling.

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– Table**
- 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 – Tabled**

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) –Tabled

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) – Tabled

C) Discussion and Possible Action on Approving Lot Line Adjustment Application– Motion to approve the lot line application made by Nicole, seconded by Wryht, all in favor.

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- (The following verbiage was presented to the commission as proposed changes to the zoning referenced above.)

“Change Definition – 15.42.010 and 15.20.050

Domestic Livestock - are the domesticated animals that are raised in an agricultural setting to provide labor and produce diversified products for consumption such as meat, eggs, milk, fur, leather, and wool. Add Definition – 15.42.010 and 15.20.050

Equine - For the purposes of this ordinance, “equine” shall mean any member of the horse family, including but not limited to horses, ponies, donkeys, mules, and zebras, whether domesticated or wild. This term encompasses animals used for riding, driving, draft, breeding, boarding, or other agricultural or recreational purposes.

Change Definition –15.42.010 and 15.20.050

Pets, Household - domestic animals ordinarily permitted in a place of residence, kept for company and pleasure, such as dogs, cats, domestic birds, guinea pigs, white rats, rabbits, mice, pot-bellied pigs, pygmy goats, and other similar animals generally considered by the public to be kept as pets, excluding fowl.

15.20.030 –

- Put permitted in R-1(*) and R-2 (*) for domestic livestock
- Add Equine to the Table

15.24.060 Domestic Livestock Keeping

5. On lots smaller than a half-acre -- no more than 10 fowl, no roosters, and no domestic livestock permitted

6. On lots of a half-acre -- no more than 2 domestic livestock or equine and 10 fowl
7. On lots of one acre -- no more than 4 domestic livestock or equine and 15 fowl
8. On lots of one and a half acres -- no more than 4 domestic livestock or equine and 25 fowl
9. On lots of 2 acres or more, 6 domestic livestock or equine per acre and 25 fowl shall be permitted"

Motion to approve 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 made by Wryht and seconded by Mark, all in favor.

10. FINAL CITIZEN COMMENTS- none

11. FINAL COMMENTS – Wryht: This has been amazing, the progress and the learning curve that I've got to be a part of. Thanks for bearing with me and answering my questions, even though you've probably answered them multiple times.

12. ADJOURNMENT–Motion to adjourn made by Nicole seconded by Wryht at 7:23 PM

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**12 BIG WATER TOWN
ORDINANCE 13-2025 DOMESTIC LIVESTOCK GOVERNANCE**

**AN ORDINANCE REGULATING THE KEEPING AND MANAGEMENT OF
DOMESTIC LIVESTOCK WITHIN THE TOWN LIMITS OF BIG WATER, KANE
COUNTY, UTAH**

WHEREAS, the Town Council of Big Water, Utah recognizes the importance of domestic livestock to the heritage, economy, and lifestyle of the community; and

WHEREAS, the Town Council desires to promote responsible livestock ownership while maintaining public health, safety, property values, and the general welfare of all residents;

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

WHEREAS, the Planning and Zoning Commission passed these updates on July 7, 2025;

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

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

A M E N D M E N T

15.42.010 Definitions

The following definitions are provide 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 $\frac{1}{2}$ 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.~~ Animals that are raised in an agricultural setting to provide labor and produce diversified products for consumption such as meat, eggs, milk, fur, leather, and wool.
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. **Equine** - Any member of the horse family, including but not limited to horses, ponies, donkeys, mules, and zebras, whether domesticated or wild. This term encompasses animals used for riding, driving, draft, breeding, boarding, or other agricultural or recreational purposes.
22. **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.
23. **Floor Area** – The area obtained by multiplying the outside length by the outside

width of a building.

- 24. **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.
- 25. **Foundation** – Concrete footing built to Uniform Building Code.
- 26. **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.
- 27. **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.
- 28. **Landscaping** – To add vegetative materials to a lot or area.
- 29. **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.
- 30. **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.
- 31. **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.
- 32. **Liquor** – Means alcohol, or any alcoholic, spirituous, vinous, fermented, malt, or other liquid, or combination of liquids, a part of which is spirituous, 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.
- 33. **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.
- 34. **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.

35. **Lot, Corner** – A lot abutting on two intersecting or intercepting streets where the interior angle of intersection or interception does not exceed 135 degrees.

36. **Lot, Interior** – A lot with no access, the creation of which is prohibited.

37. **Lot, Non-Corner** – A lot other than a corner lot.

38. **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.

39. **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.

40. **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.

41. **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.

42. **Nonconforming Building or Structure** – A building or structure or portion thereof lawfully existing at the time the Ordinance became first effective which does not conform to all height, area, and yard regulations prescribed in the zone in which it is located.

43. **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.

44. **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.

45. **Overhang** – A horizontal or sloped structure, generally an extension of a roof, extending beyond the primary exterior vertical walls otherwise unenclosed.

46. **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).

47. **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.

48. **Parking Space** – Space within a building, lot, or parking lot for the parking or storage of one automobile.

49. **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

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disclosed by the context.

50. **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. Domestic animals ordinarily permitted in a place of residence, kept for company and pleasure, such as dogs, cats, domestic birds, guinea pigs, white rats, rabbits, mice, pot-bellied pigs, pygmy goats, and other similar animals generally considered by the public to be kept as pets, excluding fowl.~~
51. **Pier** – A support structure between the ground and the sub-framing of a constructed or manufactured unit, according to the Building Code.
52. **Principal Building** – The primary building or one of the primary buildings upon a lot.
53. **Principal Use** – The primary or predominant use of any lot or parcel.
54. **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.
55. **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.
56. **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.
57. **Sign, Advertising** – A sign that directs attention to a use conducted, product or commodity, or service related to the premises.
58. **Sign, Business** – A sign that directs attention to a use conducted, product or commodity sold, or service performed upon the premises.
59. **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.
60. **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.
61. **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.
62. **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.
63. **Sign, Temporary** – Any sign or advertising display intended to be displayed for no more than 60 days.

64. **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.
65. **Story** – As provided by the Uniform Building Code, as adopted by Big Water Town.
66. **Story, Half** – As provided by the Uniform Building Code, as adopted by Big Water Town.
67. **Street** – Any thoroughfare or public way not less than 16 feet in width.
68. **Structure** – A building of any kind or any piece of work artificially built up or composed of parts joined together in some definite manner.
69. **Structural Alterations** – Any change in supporting member of a building, such as bearing walls, columns, beams, or girders.
70. **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.
71. **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.
72. **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.
73. **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.
74. **Zone (Zoning District)** – An area of Big Water Town as established and defined herein and illustrated on the Big Water Zoning Districts Map.
75. **Zoning Administrator** – The person designated by the Town Council to carry out the administrative responsibilities of this Ordinance and the Subdivision Ordinance.
76. **Zoning Map** – The adopted Zoning Districts Map of Big Water Town.

SECTION 2: AMENDMENT “15.20.050 Use Definitions” of the Big Water Zoning Code is hereby *amended* as follows:

AMENDMENT

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 condominium unit;
- a cooperative unit;
- a manufactured home; or
- a house

17. **Domestic Livestock** — Animals ~~historically found on farms in Southern Utah, including farm poultry and farm animals~~ are the domesticated animals that are raised in an agricultural setting to provide labor and produce diversified products for consumption such as meat, eggs, milk, fur, leather, and wool.

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. **Equine** - Any member of the horse family, including but not limited to horses, ponies, donkeys, mules, and zebras, whether domesticated or wild. This term encompasses animals used for riding, driving, draft, breeding, boarding, or other agricultural or recreational purposes.

20. **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.

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

22. **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.

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

24. **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.

25. **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).

26. **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.
27. **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.
28. **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.
29. **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.
30. **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. Domestic animals ordinarily permitted in a place of residence, kept for company and pleasure, such as dogs, cats, domestic birds, guinea pigs, white rats, rabbits, mice, pot-bellied pigs, pygmy goats, and other similar animals generally considered by the public to be kept as pets, excluding fowl.~~

31. **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.
32. **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.
33. **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".
34. **Manufacturing, Processing, and Assembling** — Establishments engaged in the mechanical or chemical transformation of materials or substances into new products.
35. **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.
36. **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.
37. **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.
38. **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.
39. **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.
40. **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.

41. **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.
42. **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.
43. **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.
44. **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.
45. **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.

SECTION 3: AMENDMENT “15.20.030 Table Of Uses” of the Big Water Zoning Code is hereby *amended* as follows:

AMENDMENT

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	P* X	P* 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
<u>Equine</u>	P	P	P	X	X	P	X
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
Household Pets (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;

T = Temporary Use;

X = Prohibited Use in the Zoning District.

* Exceptions —See Big Water Zoning codes 15.50.030.6 and 15.50.040.7 or requires approval by Planning and Zoning Commission

1. As provided by Chapter 15.12 the Zoning Administrator is authorized to render a final decision on the issuance of a Permitted Use permit upon a finding of compliance with all requirements of this Ordinance, the adopted Building Code, and all Health Codes, as applicable.
2. As provided by Chapter 15.14, the Planning Commission is authorized to render a final decision on the issuance of a Conditional Use Permit upon a finding of compliance with all requirements of this Ordinance, the adopted Building Code, and all Health Codes, as applicable.
3. As provided by Chapter 15.16, the Zoning Administrator is authorized to render a final decision on the issuance of a Temporary Use permit upon a finding of compliance with all requirements of this Ordinance, the adopted Building Code, and all Health Codes, as applicable.

SECTION 4: AMENDMENT “15.24.060 Domestic Livestock Keeping” of the Big Water Zoning Code is hereby *amended* as follows:

AMENDMENT

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 smaller than a half acre -- no more than 10 fowl, no roosters, and no other domestic livestock permitted.
6. On lots one-half acre or more, no more than two domestic livestock or equine animals and 10 fowl shall be permitted.
7. On lots one acre or more, no more than four domestic livestock or equine animals and

15 fowl shall be permitted.

8. On lots one and one-half acres or more, no more than four~~six~~ domestic livestock or equine animals and 250 fowl shall be permitted.
9. On lots two acres or more, no more than 6 domestic livestock or equine per acre ~~eight animals~~ and 25 fowl shall be permitted.
10. No livestock shall be raised for commercial purposes but shall be for family use only.
11. All waste must be disposed of in a proper manner.

SECTION 5: AMENDMENT “15.24.050 Household Pets” of the Big Water Zoning Code is hereby *amended* as follows:

AMENDMENT

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.~~

SECTION 6: AMENDMENT “15.24.090 Small-Scale Subsistence Animal Keeping” of the Big Water Zoning Code is hereby *amended* as follows:

AMENDMENT

15.24.090 Small-Scale Subsistence Animal Keeping

~~All Small Seale Subsistence Animal Keeping, as defined herein, shall comply with the following: All animals must be kept in such a manner that they do not disturb the peace, comfort, or health of any person or animal. 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. All waste must be disposed of in a proper manner. 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. 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. Meet any and all additional conditions set forth by the Planning Commission.~~

See Zoning Code 15.24.060 Domestic Livestock Keeping

SECTION 7: INTERPRETIVE CLAUSE Any references to the provisions amended by this ordinance, as they existed prior to this amendment, appearing elsewhere in the Town Code, adopted policies, administrative procedures, employee handbooks, or other official manuals shall be deemed to refer to the provisions as amended herein. The Town Clerk or authorized codifier is directed to revise any such references throughout the Code, policies, and manuals for consistency and clarity, and to take necessary administrative actions to ensure alignment with this ordinance.

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