

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

August 4, 2025

6:00 PM WORK SESSION

1. Call to Order:

2. Discuss Meeting Agenda Items-

3. Adjourn –

7:00 PM PUBLIC HEARING TO AMEND THE ZONING CODE 15.30.060 AND 5.24.080 TO ESTABLISH REGULATIONS FOR APIARIES AND BEEKEEPING TO MATCH STATE CODE-

7:01 PM PUBLIC HEARING TO AMEND 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-

7:02 PM MEETING

1. CALL TO ORDER –

2. ROLL CALL –

3. APPROVAL OR AMENDMENT OF AGENDA-

4. APPROVAL OF JULY 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 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 Lot Line Adjustments and 15.10.150 Standards and Requirements for Parcel Joinder (Lot Consolidation) –**
- K) Discussion and Possible Action on Ordinance 12-2025 Zoning Code for Animal Governance (given back to P & Z for exceptions) –**

9. NEW BUSINESS –

- A) Discussion and Possible Action on Selecting an Applicant for Open Planning and Zoning Seat –**
- B) Discussion and Possible Action on Ordinance 13-2025 Amending the Zoning Code for Small Scale Apiary/Beekeeping to match the Utah State Code –**
- C) Discussion and Possible Action on the Approval of an Apiary/Beekeeping Application –**

10. FINAL CITIZEN COMMENTS –

11. FINAL COMMENTS –

12. ADJOURNMENT –

Notice of Public Hearing

Notice is hereby given that on Monday, August 4, 2025 at 7:01 p.m. (UT), Big Water Planning and Zoning Commission will hold a PUBLIC HEARING at Town Hall, located at 60 N Aaron Burr, Big Water, Utah, 84741.

PUBLIC HEARING ITEM/S:

**-To AMEND THE BIG WATER TOWN ZONING CODE
15.30.060 AND 15.24.080 TO ESTABLISH
REGULATIONS FOR APIARIES AND
BEEKEEPING TO MATCH STATE CODE**

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

Notice of Public Hearing

Notice is hereby given that on Monday, August 4, 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 PUBLIC HEARING

7:01 PM MEETING

July 7, 2025

6:00 PM WORK SESSION

- 1. Call to Order:** at 6:40PM, Nicole Wood, Robert Wilkes and Mark Burkett; Wryht Short absent.
- 2. Discuss Meeting Agenda Items-** Discussion on a new short term rental application and the animal governance ordinance. The number of dogs was discussed and limiting the number can be a problem for the citizens. It would be too hard to limit the number of dogs or pets a person has. The owners must be able to take care of the animals and keep their area clean, as not to interfere with the health and welfare of their neighbors. The new verbiage takes into consideration how close together the lots are.
- 3. Adjourn –** closes at 7:00 PM

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- Opens at 7:00 PM. No citizen comments. Close at 7:03 PM.

7:01 PM MEETING –

- 1. CALL TO ORDER –** at 7:03 PM
- 2. ROLL CALL –** Nicole Wood, Robert Wilkes and Mark Burkett; Wryht Short absent
- 3. APPROVAL OR AMENDMENT OF AGENDA-** Motion to approve the agenda made by Mark Burkett and seconded by Nicole Wood. All in favor.
- 4. APPROVAL OF JUNE 2025 MINUTES –** Motion to approve the minutes made by Nicole Wood and seconded by Mark Burkett. All in favor
- 5. CONFLICT STATEMENT –** Nicole Wood states that she has livestock and equine and household pets. Mark Burkett states that he has 6 chickens.
- 6. ADMINISTRATOR COMMENTS –** Denise Wood states, we have one building permit applications approved. Continuing to go over some existing ordinances to bring them up to New Utah code. Working on building permit and land compliance procedures and ordinances. Answering numerous emails, calls and inquiries pertaining to zoning, short term rentals and permits. Monitoring open building permits. Working on compliant, compliance letters and parking issues. A letter have been sent out and more will go out.
- 7. CITIZEN COMMENTS –** No citizen 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**
- 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**
- 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) – Tabled**
- 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) – Tabled**

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)-Motion to I approve with an amendment to remove 15.24.090 completely and leave all the rest as is amended made by Nicole wood and seconded by mark Burkett. All in favor.**
- B) Discussion and Possible Action on the Approval of a New Short-Term Rental (STR) Application-Motion to approve the short-term rental application with the proof of current insurance and a fire inspection made by Mark Burkett and seconded by Nicole Wood, all in favor.**
- C) Discussion and Possible Action on Open Planning and Zoning Seat-Motion to leave the seat open until we get letters of intent made by Nicole Wood and seconded by Mark Burkett. All in favor.**

10. FINAL CITIZEN COMMENTS- Vicki Alexander: Do you have any applicants right now for the open seat? Nicole responds: Right now we do not.

11. FINAL COMMENTS – none

12. ADJOURNMENT– Motion to adjourn made by Mark Burkett and seconded by Nicole Wood at 7:13 PM

BIG WATER TOWN
ORDINANCE 12-2025 DOMESTIC LIVESTOCK GOVERNANCE

**AN ORDINANCE AMENDING ZONING CODES FOR 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 August 4, 2025, and has duly considered such recommendations as was received;

WHEREAS, the Planning and Zoning Commission passed these updates on August 4, 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:

AMENDMENT

15.42.010 Definitions

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

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

6. **Board of Adjustment** – The Big Water Town Board of Adjustment.
7. **Building** – Any structure used or intended for supporting or sheltering any use or occupancy.
8. **Building, Height of** – As provided by the Building Code, as adopted by Big Water Town.
9. **Building Permit** – Written permission issued by the Big Water Town Zoning Administrator for the construction, repair, alteration, or addition to a structure.
10. **Building, Principal** – The primary building or one of the primary buildings upon a lot.
11. **Building, Public** – A building owned and/or operated or owned and intended to be operated by a public agency of the United States, the State of Utah, County of Kane, Town of Big Water, or any of its subdivisions.
12. **Carport** – A private garage not completely enclosed by walls or doors. A carport is subject to all the regulation prescribed herein for a private garage.
13. **Child** – A person 18 years of age, or younger.
14. **Conditional Use** – A use of land for which a Conditional Use Permit is required pursuant to this Ordinance.
15. **Construction** – The act and/or procedures necessary to establish a building or structure, including the assembly and installation of materials after the approval and issuance of any license or permit required to authorize the establishment of a building or structure.
16. **Commission** – The Big Water Town Planning and Zoning Commission.
17. **Demolition Project** - a demolition project 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

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:

- Areas of slope with an average 30% grade, or greater, a minimum distance of 100 horizontal feet.
- Flood channels as identified by a Federal or State agency.
- 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:

A M E N D M E N T

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>	<u>P</u>	<u>P</u>	<u>P</u>	<u>X</u>	<u>X</u>	<u>P</u>	<u>X</u>
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, 15.24.060 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.
12. * TEMPORARY EXCEPTIONS: Circumstantial exceptions to the above limits may be granted on a temporary basis under the following conditions:
 1. Temporary boarding or care of additional animals due to emergency, educational programs (e.g., FFA/4-H), rescue animals or veterinary/rehabilitative purposes may be permitted.
 2. The exception shall not exceed 90 consecutive days unless renewed upon request and subject to review by the planning and zoning administrator
 3. No such temporary increase shall create a public nuisance, health hazard, or violate other applicable codes.

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 Scale 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.~~

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

**BIG WATER TOWN
ORDINANCE 13-2025 AMENDMENTS TO APIARY OR BEEKEEPING**

**AN ORDINANCE AMENDING THE BIG WATER TOWN ZONING CODE
15.30.060 AND 15.24.080 TO ESTABLISH REGULATIONS FOR APIARIES AND
BEEKEEPING IN BIG WATER, KANE COUNTY, UTAH**

WHEREAS, the Town Council of Big Water, Utah desires to promote responsible beekeeping practices that support pollinator health, local agriculture, and environmental sustainability;

WHEREAS, nothing herein shall be construed to abridge, impair, or otherwise restrict the lawful right of residents to possess and maintain honeybee colonies upon their property, as provided in Utah State Administrative Code R68-21;

WHEREAS, the Planning and Zoning Commission held a public hearing on the amendments to the apiary/beekeeping in accordance with the Utah State Code on August 4, 2025, and has duly considered such recommendations as was received;

WHEREAS, the Planning and Zoning Commission passed these updates on August 4, 2025;

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

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

AMENDMENT

15.06.030 Planning Commission

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

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

to the Council.

- c. To prepare or cause to be prepared the Big Water Town Subdivision Ordinance, any amendments thereto, and to submit the Subdivision Ordinance or amendments thereto to the Council.
- d. To hear, review, approve, approve with conditions, or deny, applications for Conditional Use Permits.
- e. ~~To hear, review, approve or deny application for Apiary/Beekeeping, as authorized by this Ordinance.~~
- f. ~~To hear, review, approve or deny, or recommend approval or denial of development applications, as authorized by this Ordinance and the Big Water Subdivision Ordinance.~~
- g. To adopt bylaws, policies, and procedures for the ~~conduct of the duties and meetings of the Commission, for the consideration of applications and for any other purposes deemed necessary by the Commission provided, that such bylaws, policies, and procedures shall be consistent with all requirements of this Ordinance and the Subdivision Ordinance, which~~ bylaws, policies, and procedures shall first be approved by the Big Water Town Council before taking effect.
- h. To hear, review, and decide appeals of determinations of application completeness made by ~~Zoning~~ Administrator if ~~the~~ applicant considers the determination made by the ~~Zoning~~ Administrator to be in error.
- i. Advise the legislative body on other matters as the legislative body directs.

2. **Qualifications for Membership.** Members of the Planning Commission shall be appointed by the Big Water Town Council.

3. **Membership: Appointment, Removal, Terms, and Vacancies.**

- a. The Planning Commission shall be composed of five (5) members, appointed by the Town Council.
- b. The Council, after finding cause, may remove any member of the Commission for a violation of this Ordinance or any policies or procedures adopted by the Commission following receipt of a written complaint filed against the member. The Council shall provide the member with a hearing, if requested.
- c. Members of the Commission may be compensated on a per diem basis, based upon meetings actually attended in person or electronically and reasonable and necessary expenses, as determined by the Council.
- d. All members of the Commission shall serve a term of four (4) years. However, if no qualified applicant is available to fill a vacancy, a sitting member may remain on the Commission past his/her term until a replacement is appointed or seated. (Ordinance 2016-1)
- e. At an annual organizational meeting to be held the first regular meeting in January, and at other times as required, the members of the Commission shall elect one (1) of their members as chair and one (1) of their members as vice-chair. In the absence of the chair, the vice-chair shall act as chair and shall have all powers of the chair. The chair shall serve a term of two (2) years.
- f. The chair, or in the chair's absence the vice-chair, shall be in charge of all proceedings before the Commission, and shall take such actions as necessary

to preserve order and the integrity of all proceedings before the Commission.

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

SECTION 2: AMENDMENT “15.24.080 Small-Scale Apiary/Beekeeping” of the Big Water Zoning Code is hereby amended as follows:

AMENDMENT

15.24.080 Small-Scale Apiary/Beekeeping

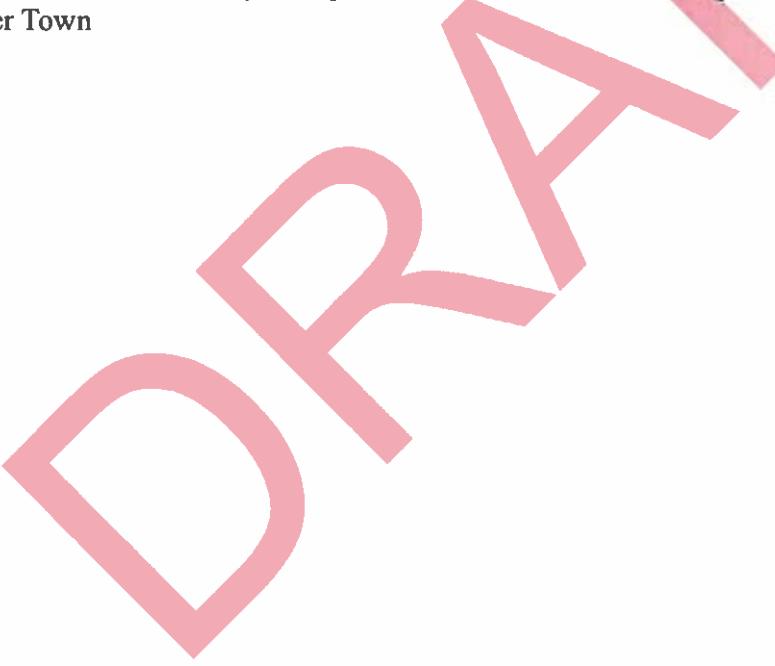
All Apiary/Beekeeping operations, as defined herein, shall comply with the following.

1. Apiary/Beekeeping operations must adhere to and meet all restrictions and requirements as provided in § 4-11 (Utah Bee Inspection Act) et seq. Utah Code Annotated, 1953, as amended (U.C.A.), and all other authorities and provisions of Utah and Federal statutory and common law as applicable.
2. No person may raise bees in this state without being registered with the Utah Department of Agriculture and Food, as provided in § 4-11 (Utah Bee Inspection Act) et seq. Utah Code.
3. A Big Water property owner may have and register one (1) hive/colony within the town limits of Big Water in permitted zones. There is no restriction on the number of bees colonies may have on private property. The hive(s) can be located on one lot. The registered beekeeper must be the owner of the property on which the hive is located.
4. A Big Water property owner, wishing to establish an apiary, must first register with the Utah Department of Agriculture and Food then complete the required Big Water

Apiary/Beekeeping Application (~~BW P&Z Form 2009-005~~). The application form is available from and must be returned to Town Hall prior to within 30 days after receiving their permit from the State Department of Agriculture and Food establishing a hive/colony. There is no fee required by Big Water. The application form must be complete, and include a signed/dated copy of the state Apiary/Beekeeping registration/license and a copy of the current year county property tax statement(s). Incomplete applications will not be reviewed, and will be returned by U.S. Postal Service to the applicant.

5. The Apiary/Beekeeping Application (~~BW P&Z Form 2009-005~~) will come before the Planning and Zoning Administrator Commission for approval ~~at its next regularly scheduled monthly meeting~~.
6. On approval, Planning and Zoning will issue a one-year permit. Each year, thereafter, by May 31, and following the annual inspection by the county bee inspector, if one is performed (\S 4-11-7, et seq. Utah Code), the beekeeper is required to submit a signed/dated copy of the county inspection report, if applicable, and renewed state registration/license to Planning and Zoning for continuance of the Big Water permit. It is the beekeeper's responsibility to annually provide these items to the town. Failure to do so will result in discontinuance of the Big Water permit and removal of the hive (or hives) in accordance with state laws. Compliance will ensure another one-year extension of the Big Water Apiary/Beekeeping permit. The beekeeper will bear the annual inspection cost by the state, if applicable.
7. ~~The hive/hives shall be located out of sight from the road and toward the rear one-half (1/2) of the lot, with ten (10) feet or greater setback(s) from the rear and/or side lot property lines. The hive (or hives) must be elevated and the property surrounding the hive(s) screened so that the bees must fly over a six-foot barrier (may be vegetative) before leaving the property. There are no restrictions on the placement of hive(s) on private property, nor any requirements for sight-obscuring flyaway barriers for bee colonies on private property. The beekeeper must provide a source of water on the property, near the beehive. There may be no outdoor storage of any bee paraphernalia or hive materials (any apparatus, tool, machine, or other device used to handle or manipulate bees, wax, honey, or hives) not being used as a part of a hive, must be in an enclosure that prohibits the entry of bees.~~
8. ~~A beehive may not be located within 50 yards of a school, public park, or public building. The Town of Big Water shall not designate any location on privately owned property as unsuitable for beekeeping.~~
9. The Utah Department of Agriculture and Food and all county bee inspectors shall have access to all apiaries or places where bees, hives, and appliances are kept for the purpose of Utah Code enforcement. If admittance is refused, the department, or the county bee inspector involved, may proceed immediately to obtain an ex parte warrant from the nearest court of competent jurisdiction to allow entry upon the premises for the purpose of making an inspection. (\S 4-11-10, et seq. Utah Code)
10. Any property owner wishing to apply for a Big Water Apiary/Beekeeping permit must be in compliance with all Big Water Zoning Ordinances, and must meet any additional conditions set forth by the Big Water Planning and Zoning Commission.

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	<p style="text-align: center;">Attest</p> 			

David W. Schmuker, Mayor, Big
Water Town

Katie Joseph, Clerk, Big Water Town

[**<< Previous Section \(4-11-113\)**](#)[**Download Options**](#) [**PDF**](#) | [**RTF**](#) | [**XML**](#)[**Next Section \(4-11-115\)**](#) [**>>**](#)**Index Utah Code****Title 4 Utah Agricultural Code****Chapter Utah Bee Inspection Act****11****Section Maintenance of abandoned apiary, equipment, or appliance -- Nuisance.
114 (Effective 7/1/2017)****Effective 7/1/2017****4-11-114. Maintenance of abandoned apiary, equipment, or appliance -- Nuisance.**

- (1) It is a public nuisance to keep an abandoned or diseased apiary, apiary equipment, or appliance anywhere other than in an enclosure that prohibits the entry of bees.
- (2) Items listed in Subsection (1) are subject to seizure and destruction by the county bee inspector.
- (3) Upon discovery of, or receipt of a written complaint concerning, an abandoned apiary site, apiary equipment, or appliance, the bee inspector shall attempt to notify the registered owner, if any.
- (4) (a) A registered owner notified under Subsection (3) shall remove the abandoned apiary, apiary equipment, or appliance or provide a bee-proof enclosure within 15 days.
(b) The bee inspector or the department shall verify the removal or protection in accordance with Subsection (4)(a) at the expiration of the 15-day period.
(c) If a registered owner does not comply with Subsection (4)(a), the bee inspector or the department may seize and destroy the abandoned apiary, apiary equipment, and appliances.
- (5) A bee inspector or the department may seize and destroy an abandoned apiary, apiary equipment, or appliances if the abandoned apiary, apiary equipment, or appliances do not indicate a registered owner.

Renumbered and Amended by Chapter 345, 2017 General Session

[**<< Previous Section \(4-11-103\)**](#)[**Download Options**](#) [**PDF**](#) | [**RTF**](#) | [**XML**](#)[**Next Section \(4-11-105\)**](#)[**>>**](#)**Index Utah Code****Title 4 Utah Agricultural Code****Chapter Utah Bee Inspection Act****11****Section Bee raising -- Registration required -- Application -- Fees -- Renewal -- 104 License required -- Application -- Fees -- Renewal. (Effective 7/1/2017)*****Effective 7/1/2017*****4-11-104. Bee raising -- Registration required -- Application -- Fees -- Renewal -- License required -- Application -- Fees -- Renewal.**

- (1) A person may not raise bees in this state without being registered with the department.
- (2) Application for registration to raise bees shall be made to the department upon tangible or electronic forms prescribed and furnished by the department, ~~within 30 days after the~~ person:
 - (a) ~~takes possession of the bees;~~ or
 - (b) moves the bees into the state.
- (3) Nothing in Subsection (2) limits the requirements of Section [4-11-111](#).
- (4) An application in accordance with this chapter shall specify:
 - (a) the name and address of the applicant;
 - (b) the number of bee colonies owned by the applicant at the time of the application that will be present in the state for a period exceeding 30 days; and
 - (c) any other relevant information the department considers appropriate.
- (5) Upon receipt of a proper application and payment of an annual registration fee determined by the department pursuant to Subsection [4-2-103\(2\)](#), the commissioner shall issue a registration to the applicant valid through December 31 of the year in which the registration is issued, subject to suspension or revocation for cause.
- (6) A bee registration is renewable for a period of one year upon the payment of an annual registration renewal fee as determined by the department pursuant to Subsection [4-2-103\(2\)](#).
- (7) Registration shall be renewed on or before December 31 of each year.

15.06.030 Planning Commission

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

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

15.24.080 Small-Scale Apiary/Beekeeping

All Apiary/Beekeeping operations, as defined herein, shall comply with the following.

1. Apiary/Beekeeping operations must adhere to and meet all restrictions and requirements as provided in § 4-11 (Utah Bee Inspection Act) et seq. Utah Code Annotated, 1953, as amended (U.C.A.), and all other authorities and provisions of Utah and Federal statutory and common law as applicable.
2. No person may raise bees in this state without being registered with the Utah Department of Agriculture and Food, as provided in § 4-11 (Utah Bee Inspection Act) et seq. Utah Code.
3. A Big Water property owner may have and register one (1) hive/colony within the town limits of Big Water in permitted zones. The hive can be located on one lot. The registered beekeeper must be the owner of the property on which the hive is located.
4. A Big Water property owner, wishing to establish an apiary, must first register with the Utah Department of Agriculture and Food then complete the required Big Water Apiary/Beekeeping Application (~~BW P&Z Form 2009-005~~). The form is available from and must be returned to Town Hall prior to establishing a hive/colony. There is no fee required by Big Water. The form must be complete, and include a signed/dated copy of the state Apiary/Beekeeping registration/license and a copy of the current year county property tax statement(s). Incomplete applications will not be reviewed, and will be returned by U.S. Postal Service to the applicant.
5. The Apiary/Beekeeping Application (~~BW P&Z Form 2009-005~~) will come before the Planning and Zoning Commission for approval at its next regularly scheduled monthly meeting.
6. On approval, Planning and Zoning will issue a one-year permit. Each year, thereafter, by May 31, and following the annual inspection by the county bee inspector (§ 4-11-7, et seq. Utah Code), the beekeeper is required to submit a signed/dated copy of the county inspection report and renewed state registration/license to Planning and Zoning for continuance of the Big Water permit. It is the beekeeper's responsibility to annually provide these items to the town. Failure to do so will result in discontinuance of the Big Water permit and removal of the hive (or hives) in accordance with state laws. Compliance will ensure another one-year extension of the Big Water Apiary/Beekeeping permit. The beekeeper will bear the annual inspection cost by the state, if applicable.
7. The hive/hives shall be located out of sight from the road and toward the rear one-half (1/2) of the lot, with ten (10) feet or greater setback(s) from the rear and/or side lot property lines. The hive (or hives) must be elevated and the property surrounding the hive(s) screened so that the bees must fly over a six-foot barrier (may be vegetative) before leaving the property. The beekeeper must provide a source of water on the property, near the beehive. There may be no outdoor storage of any bee paraphernalia or hive materials (any apparatus, tool, machine, or other device used to handle or manipulate bees, wax, honey, or hives) not being used as a part of a hive.
8. A beehive may not be located within 50 yards of a school, public park, or public building.
9. The Utah Department of Agriculture and Food and all county bee inspectors shall have access to all apiaries or places where bees, hives, and appliances are kept for the purpose of Utah Code enforcement. If admittance is refused, the department, or the county bee inspector involved, may proceed immediately to obtain an ex parte warrant from the nearest court of competent jurisdiction to allow entry upon the premises for the purpose of making an inspection. (§ 4-11-10, et seq. Utah Code)
10. Any property owner wishing to apply for a Big Water Apiary/Beekeeping permit must be in compliance with all Big Water Zoning Ordinances, and must meet any additional conditions set forth by the Big Water Planning and Zoning Commission.

R68. Agriculture and Food, Plant Industry.

R68-21. Beekeeping Standards.

R68-21-1. Authority.

This rule is promulgated according to the authority of Subsection 4-11-116(4).

R68-21-2. Purpose.

(1) This rule establishes standards for beekeeping activities on private property within urban counties or municipalities and nonurban counties.

(2) The goal of the standards is to balance the needs of beekeepers with the concerns of nearby residents and businesses and promote responsible beekeeping practices while safeguarding public health and safety.

R68-21-3. Definitions.

For the purpose of this rule, the terms defined in Section 4-11-102 and the following terms shall apply:

(1) "Governmental entity" means the same as defined in Section 11-13a-102.

(2) "Municipality" means the same as defined in Section 10-1-104.

↗ (3) "Nonurban county or municipality" means a county of the fourth, fifth, or sixth class, or a municipality of a third class county that has a population of less than 10,000.

(4) "Sight-Obscuring Flyway Barrier" means a structure or planting that prevents a direct line of sight through it and redirects the flight path of bees.

(5) "Urban County" means a county of the first or second class.

(6) "Urban Municipality" means a municipality located within the boundaries of:

(a) an urban county; or

(b) a county of the third class, if the municipality has a population of 10,000 or more.

R68-21-4. Number of Hives.

(1) An urban county or municipality may limit the number of bee colonies allowed on private property if they:

(a) allow at least two colonies per property up to $\frac{1}{2}$ acre in size; and

(b) allow an additional two colonies for each additional $\frac{1}{2}$ acre of property.

(2) A governmental entity may not restrict the number of bee colonies on private property in a nonurban county or municipality.

R68-21-5. Location and Barrier Guidance for Hives.

(1) An urban county or municipality may require that apiaries are located at least 10 feet from a property line unless the property owner erects or maintains a sight-obscuring flyaway barrier.

(2) Acceptable sight-obscuring flyaway barriers shall extend five feet in either direction from the apiary and may not exceed the local county or municipal height restrictions.

(3) An urban county or municipality may prohibit bee colonies in the front yard of a residential property.

(4) In a nonurban county, a governmental entity may not restrict the location or require a sight-obscuring flyaway barrier for bee colonies on private property.

(5) A governmental entity may not designate any location as unsuitable for beekeeping on private property.

R68-21-6. Swarming Prevention, Water Sources, and Open Feeding.

(1) A governmental entity may not restrict bee swarming behaviors.

(2) An urban county or municipality may require beekeepers to ensure a constant source of fresh water on the same property as the apiary.

(3) In a nonurban county, a governmental entity may not require beekeepers to provide a water source for their bees.

(4) A governmental entity may not prohibit open feeding related to beekeeping on private property.

R68-21-7. Enforcement.

(1) A governmental entity may not create municipal or county codes, or ordinances, which are more restrictive than the beekeeping standards in this rule.

(2) Local code enforcement agencies are responsible for enforcing the beekeeping standards adopted by a governmental entity pursuant to this rule.

KEY: beekeeping; standards

Date of Last Change: March 17, 2025

Authorizing, and Implemented or Interpreted Law: 4-11-116(4); 4-11-117(5)



Town of Big Water – Apiary/Beekeeping Permit Application

Applicant Information:

Full Name: _____
Mailing Address: _____
Phone Number: _____
Email Address: _____
Property Address (if different): _____
Parcel Number: _____

Property Details:

Lot Size (acres): _____
Is the property owner-occupied? [] Yes [] No

Apiary Details:

Number of Hives Proposed: _____
Hive Locations: (Attach a site plan indicating the placement of hives relative to property lines, structures, and neighboring properties.) _____

State Registration:

UDAF Beekeeper License Number: _____
License Type: [] 1201 (Standard Beekeeper) [] 1202 (Youth Non-Profit)
License Expiration Date: _____
(Note: All beekeepers in Utah must register with the UDAF:
<https://ag.utah.gov/plant-industry/apiary-inspection-and-beekeeping/beekeeper-registration/>)

Compliance Acknowledgment:

By signing below, I acknowledge that I have read and understand the Town of Big Water's regulations regarding small-scale apiary/beekeeping as outlined in Section 15.24.080 of the municipal zoning code. I agree to comply with all applicable local and state regulations, including but not limited to:

- Maintaining hives in accordance with setback requirements.
- Implementing necessary flyway barriers.
- Providing a constant water source for bees.
- Ensuring hives are kept in sound and usable condition.
- Properly disposing of beekeeping equipment to prevent nuisances.
- Re-queening colonies exhibiting aggressive behavior.

Applicant Signature: _____ Date: _____

For Office Use Only:

Application Received By: _____

Date: _____

Permit Approved: [] Yes [] No

Approval Signature:

Date: _____