

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 PUBLIC HEARING
7:02 PM MEETING
October 6, 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 15.24.080 TO ESTABLISH REGULATIONS FOR APIARIES AND BEEKEEPING TO MATCH STATE CODE-

7:01 PM PUBLIC HEARING TO AMEND THE ZONING CODE 15.24.020 SINGLE FAMILY DWELLINGS-PREINSPECTIONS AND 15.36 MOVING OF BUILDINGS-

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, Dedicated Trails and Cross Section/Right of Way Road Planning –**
- I) Discussion and possible Action on Main Street Feasibility Study Proposal -**

J) 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)

–

K) 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) –

9. NEW BUSINESS–

A) Discussion and Possible Action on Ordinance 13-2025 Amending the Zoning Code for Small Scale Apiary/Beekeeping to match the Utah State Code-

B) Discussion and Possible Action on the Approval of an Apiary/Beekeeping Application-

C) Discussion and Possible Action on Ordinance 16-2025 Amending the Zoning Code 15.24.020 Single Family Dwellings and 15.36 Moving of Buildings -

D) Discussion and Possible Action on Zoning Code Amendment for Mobile/Recreational Vehicle (RV) Occupancy -

E) Discussion and Possible Action on Residential Setback Requirements (this was requested by the Board of Adjustments in Sept 22 meeting) -

10. FINAL CITIZEN COMMENTS-

11. FINAL COMMENTS –

12. ADJOURNMENT–

Notice of Public Hearing

Notice is hereby given that on Monday,

October 6, 2025 at 7:00 p.m. (UT), Big Water Planning and Zoning Commission will hold a PUBLIC HEARING at Town Hall, located at 60 N Aaron Burr, Big Water, Utah, 84741.

PUBLIC HEARING ITEM/S:

**-To AMEND THE 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, October 6, 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
15.24.020 REGARDING SINGLE FAMILY DWELLINGS
AND 15.36 MOVING OF BUILDINGS**

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 MEETINGP

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 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 October 6, 2025, and has duly considered such recommendations as was received;

WHEREAS, the Planning and Zoning Commission passed these updates on October 6, 2025;

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

SECTION 1: ~~AMENDMENT~~ **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~~ 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 (§ 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 s~~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. (§ 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

Attest

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

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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

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 - 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.~~ Administrator
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} § 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 ¼ acre in size; and

(b) allow an additional two colonies for each additional ¼ 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 be located at least 10 feet from a property line unless the property owner erects or maintains a sight-obscuring flyway barrier.

(2) Acceptable sight-obscuring flyway 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 flyway 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: MARK BURKETT

Mailing Address: _____

Phone Number: _____

Email Address: _____

Property Address (if different): _____

Parcel Number: B 24-42

Property Details:

Lot Size (acres): ~~2.8~~ 2.6

Is the property owner-occupied? ☒ Yes ☐ No

Apiary Details:

Number of Hives Proposed: 2

Hive Locations: (Attach a site plan indicating the placement of hives relative to property lines, structures, and neighboring properties.) see back of application

Distance from Property Lines: _____

Water Source: (Describe the constant water source available for the bees.) drip irrigation

State Registration:

UDAF Beekeeper License Number: 346244

License Type: ☐ 1201 (Standard Beekeeper) ☒ 1202 (Youth Non-Profit)

License Expiration Date: 5-30

(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: [Signature] Date: 7-10-25

For Office Use Only:

Application Received By: _____

Date: _____

Permit Approved: ☐ Yes ☐ No

Approval Signature: _____

Date: _____



**BIG WATER TOWN
ORDINANCE 16-2025 SINGLE FAMILY DWELLINGS**

**AN ORDINANCE OF THE COUNCIL OF THE TOWN OF BIG WATER, KANE
COUNTY, UTAH, TO AMEND ZONING CODES 15.24.020 SINGLE FAMILY
DWELLINGS AND 15.36 MOVING OF BUILDINGS**

WHEREAS, the Town Council of the Town of Big Water has the authority under state law and the Town Code to regulate land use and housing standards within the Town; and

WHEREAS, the Town Council desires to ensure that manufactured, prefabricated, and modular homes placed within the Town meet minimum safety and quality standards in order to protect the health, safety, and welfare of the community; and

WHEREAS, the Town Council finds that clarifying the approval and inspection process for such homes promotes consistency, accountability, and effective oversight; and

WHEREAS, the Town Council has determined it is in the best interest of the Town and its residents to amend Section 15.24.020 of the Zoning Code to require review by the Planning and Zoning Administrator in addition to inspection by the building inspector.

WHEREAS, the Planning and Zoning Commission held a public hearing on the amendments to the single family dwelling and moving of buildings sections, in accordance with the Utah State Code on October 6, 2025, and has duly considered such recommendations as was received;

WHEREAS, the Planning and Zoning Commission passed these updates on October 6, 2025;

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

SECTION 1: AMENDMENT “15.24.020 Single Family Dwellings” of the Big Water Zoning Code is hereby *amended* as follows:

AMENDMENT

15.24.020 Single Family Dwellings

All Single-family dwellings, including manufactured homes, shall meet the following requirements;

1. Conform to all applicable codes, ordinances and regulations and have the minimum floor square footage of the particular zone and ratio of length footprint to the width

- footprint of not more than four (4) unless proposed to be located in the R-2 Zoning District where this requirement does not apply.
2. Be placed on permanent foundation. All single family dwellings, including manufactured housing units will be set on conventional-type foundations that meet the requirements of the Building Codes, as adopted by the Town.
 3. Have a minimum floor area of 1,000 square feet in Zoning Districts R-1 and RE-1, and RE-2. , not including a garage.
 4. Have a minimum width of 24 feet, unless proposed to be located in the R-2 Zoning District where this requirement does not apply.
 5. All manufactured, prefabricated and modular homes shall be “new”, meaning they have never been inhabited or titled, except that if the aforementioned home is proposed to be located in the R-2 Zoning District, it shall be no more than 25 years old from the date of issuance of the building permit. All manufactured homes coming from somewhere other than Kane County, Utah must be approved by the Planning and Zoning Administrator and inspected by the building inspector. ~~prior to entering the Town.~~

SECTION 2: AMENDMENT “15.36.050 Certificate Of Occupancy” of the Big Water Zoning Code is hereby *amended* as follows:

AMENDMENT

15.36.050 Certificate Of Occupancy

Prior to the issuance of any certificate of occupancy, the Planning and Zoning Administrator ~~Building Official~~ will ensure that the building complies with all requirements of the Planning Commission in authorizing the moving of the building and the Building Codes, as adopted.

SECTION 3: AMENDMENT “15.36.030 Approval Procedures” of the Big Water Zoning Code is hereby *amended* as follows:

AMENDMENT

15.36.030 Approval Procedures

An application for the moving of buildings shall be reviewed and approved by the Planning and Zoning Administrator ~~Planning Commission~~.

In considering the request for the moving of buildings the Planning Commission shall consider the following, among other items, and find that the building will have no material negative effect on the surrounding area and property values in the area to which the building is to be

moved.

1. The building will comply with the requirements for the zoning district in which the property is located to which the building is to be moved.
2. That the building and the property on which the building is proposed to be located complies fully with all the provisions of this Ordinance and all applicable Building Codes, as adopted.
3. The building and its proposed location does not adversely affect existing buildings, uses or property in the area.
4. That all approvals, dedications and improvements required by the Town are provided in conformity with the standards of this Ordinance, and all other Ordinances.

Upon a finding of compliance with this Ordinance and the adopted Building Code, and any other items deemed necessary, the Planning and Zoning Administrator ~~Planning Commission~~ may approve the application for the moving of buildings.

SECTION 4: AMENDMENT “15.36.060 Restoration Of Old Site” of the Big Water Zoning Code is hereby *amended* as follows:

AMENDMENT

15.36.060 Restoration Of Old Site

When the site to be vacated by the moving building or structure is located within the Town, the Planning and Zoning Administrator ~~Planning Commission~~ may require a bond for all costs to restore the vacated site to a safe and sightly condition.

SECTION 5: AMENDMENT “15.36.040 Permits And Guarantees Required” of the Big Water Zoning Code is hereby *amended* as follows:

AMENDMENT

15.36.040 Permits And Guarantees Required

Before building permits can be issued, and as a condition of approval of the application for the moving of buildings, the Planning and Zoning Administrator ~~Planning Commission~~ may require the applicant to post a bond as determined necessary to adequately cover the installation of all improvements required by the Town.

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

CHAPTER 6

RESIDENTIAL ZONES

ARTICLE A. RESIDENTIAL ZONING DISTRICTS (R-¹/₂, R-1, R-2, R-5)

PLEASE NOTE: AS OF FEBRUARY 22, 2022 KANE COUNTY WILL NO LONGER ACCEPT NEW LOTS DESIGNATED WITH THE R-¹/₂ ZONE. THE R-¹/₂ ZONE REGULATIONS WILL REMAIN IN VARIOUS PARTS OF THIS CHAPTER FOR ADMINISTRATIVE PURPOSES ONLY.

SECTION:

9-6A-1: Purpose

9-6A-2: Area And Setback Regulations

9-6A-3: Height Regulations

9-6A-4: Modifying Regulations

9-6A-5: Codes And Symbols

9-6A-6: Uses Table

9-6A-1: PURPOSE:

To provide for residential neighborhoods of a rural character together with a limited number of livestock for the benefit and enjoyment of the residents. (Ord. 2013-5, 8-12-2013, eff. 8-27-2013)

9-6A-2: AREA AND SETBACK REGULATIONS:

(Please note: As of February 22, 2022 Kane County will no longer accept new lots designated with the R-¹/₂ Zone. The R-¹/₂ will remain in the Area and Setback Regulations for administrative purposes only.)

District	Area	Front	Side	Rear
R- ¹ / ₂	¹ / ₂ acre	30 feet	10 feet	10 feet
R-1	1 acre	30 feet	10 feet	10 feet
R-2	2 acres	30 feet	10 feet	10 feet
R-5	5 acres	30 feet	10 feet	10 feet

(Ord. 2013-5, 8-12-2013, eff. 8-27-2013; amd. Ord. O-2022-06, 3-22-2022)

9-6A-3: HEIGHT REGULATIONS:

A building erected to a height greater than thirty five feet (35') requires a conditional use permit. (Ord. 2013-5, 8-12-2013, eff. 8-27-2013)

9-6A-4: MODIFYING REGULATIONS:

A. Animals And Fowl: No building, structure or enclosure housing animals or fowl shall be constructed closer to a dwelling on adjacent lots closer than twenty five feet (25').

B. Accessory Building Side Yard: Accessory buildings located at least ten feet (10') behind the main building may have a three foot (3') side yard requirement except that the street side of a corner lot shall be a minimum of thirty feet (30') for all buildings.

C. Accessory Building Rear Yard: Accessory building located at least ten feet (10') behind the main building may have a rear yard of three feet (3') provided that a corner lot rearing on a side yard of another lot, the minimum rear yard for all buildings shall be eight feet (8').

D. Water And Sewer: Individual water supply and/or sewage disposal systems shall be subject to the approval of the department of health.

E. Manufactured Homes: A manufactured home shall meet all county snow loads at the time of siting and less than ten (10) years old shall meet all snow loads and energy codes at the time of siting. If older than ten (10) years, manufactured home must be inspected and approved by the Kane County building department.

F. Allowable Numbers Of Household Pets: Private holding and ownership of up to a maximum number of animals in a given land use (zoning) area as shown below; without a conditional use permit.

1. R- $\frac{1}{2}$ may house a maximum of six (6) household pets. (Please note: As of February 22, 2022 Kane County will no longer accept new lots designated with the R- $\frac{1}{2}$ Zone. The R- $\frac{1}{2}$ will remain in Modifying Regulations for administrative purposes only.)

2. R-1 may house a maximum of six (6) household pets.

3. R-2 may house a maximum of twelve (12) household pets.

4. R-5 may house a maximum of fifteen (15) household pets.

G. Livestock: The keeping of livestock for personal use is permitted, except that no more than one large animal, or no more than ten (10) small farm animals weighing fifty (50) pounds each or less, may be kept for each six thousand two hundred fifty (6,250) square feet of area dedicated for each animal not to exceed a maximum of ten (10) large animals on any lot.

H. Number of Dwellings Allowed per Lot or Parcel: No more than two single-family dwellings allowed per lot or parcel in Residential 1, 2 and 5 zones. Only 1 single-family dwelling is allowed in the Residential $\frac{1}{2}$ zone.

I. Short Term Or Vacation Rental: In the event that there is more than one dwelling on a single lot that may be considered a short term rental or vacation rental as defined in section 9-1-7 of this title only one renting of those dwellings may be used as a short term rental or vacation rental, except in the R-2 and R-5 Zones where a conditional use permit can be applied for to allow a second night/short term rental.

J. Private Cemeteries within a subdivision shall have a sealed concrete vault. A permanent marker will be placed on each individual grave site. The cemetery shall be 50 feet from any property line. The cemetery's legal description shall be recorded in the Recorder's Office. No green burials are allowed within platted subdivisions. Green burials will only be allowed on 10-acre or larger parcels. No more than two burial plots will be allowed on each individual lot within a platted subdivision, except in the R-5 zone which allows a maximum of five plots. No plots will be sold commercially. (Ord. 2013-5, 8-12-2013, eff. 8-27-2013; amd. Ord. 2014-15, 7-28-2014; Ord. O-2019-5, 4-22-2019; amd. Ord. O-2022-06, 3-22-2022; Ord. O-2022-18, 4-26-2022; Ord. O-2022-60, 11-22-2022; Ord. O-2023-31, 9-26-2023)

9-6A-5: CODES AND SYMBOLS:

(Please note: As of February 22, 2022 Kane County will no longer accept new lots designated with the R- $\frac{1}{2}$ Zone. The R- $\frac{1}{2}$ will remain in the uses table for administrative purposes only.)

A. In section 9-6A-6 of this article is a table describing uses of land or buildings that are allowed in the zone as shown. Permitted uses are indicated by a "P" in the appropriate column. Uses that may be permitted by a conditional use permit issued by the Land Use Authority are indicated by a "C" in the appropriate column. If a use is not allowed in a given zone, it is either not named in the use list or it is indicated in the appropriate column by a dash, "-".

B. Any use not named in this table which may be considered harmonious with the zone and current allowed uses can be considered for proposed inclusion into this chapter by the Kane County Land Use Authority in a public hearing and approval of the County Commission. (Ord. 2013-5, 8-12-2013, eff. 8-27-2013; amd. Ord. 2014-16, 8-25-2014; amd. Ord. O-2022-06, 3-22-2022)

9-6A-6: USES TABLE:

Use	R- $\frac{1}{2}$	R-1	R-2	R-5
Use	R- $\frac{1}{2}$	R-1	R-2	R-5
Accessory buildings and uses customarily incidental to conditional uses	C	C	C	C
Accessory buildings and uses customarily incidental to permitted uses	P	P	P	P
Accredited private educational institution having a curriculum similar to that ordinarily given in public schools	C	C	C	C
Animal shelter, commercial	-	-	C	C
Animal shelter, private	P	P	P	P
Apartments	-	-	-	-
Assisted living buildings	C	P	P	P
Barndominium	-	P	P	P
Bed and breakfast	-	-	C	C

Building with a height greater than 35 feet	C	C	C	C
Campground/glamp-ground	-	-	-	-
Cemetery private	C	C	C	C
Child daycare or nursery	C	C	C	C
Church	C	C	C	C
Commercial construction, storage yard	-	-	-	C
Condos	-	-	-	-
Construction equipment and supply trailer, temporary	C	C	C	C
Construction field office, temporary	C	C	C	C
Duplex (one per lot or parcel)	-	C	P	P
Electrical power substation or overhead lines with base structure greater than 70 feet in height	C	C	C	C
Group home ¹	P	P	P	P
Guest home	-	P	P	P
Helipad or the landing of helicopters	-	-	-	-
Home occupation	P	P	P	P
Internal Accessory Dwelling Unit (IADU)	P	P	P	P
Kennel and/or catteries (private)	P	P	P	P
Livestock	P	P	P	P
Lodges, residential	-	-	-	C
Park models	-	-	-	-
Personal agriculture, the tilling of the soil, the raising of crops, horticulture, and gardening, personal	P	P	P	P
Planned unit developments	C	C	C	C
Private road	P	P	P	P
Public parks and playground	P	P	P	P
Public, quasi-public, and private service utility lines, pipelines, power lines overhead lines with base structure over 70 feet	P	P	P	P
Recreational vehicle park	-	-	-	-
Residential facilities	P	P	P	P
Residential facilities for persons with disabilities ¹	P	P	P	P
Residential facilities for the elderly ¹	P	P	P	P
Single family dwelling (1 per lot or parcel)	P	P	P	P
Solar panels attached to a residential home producing less than 25 kW of energy	P	P	P	P
Temporary buildings for uses incidental to construction work, including living quarters for a guard, night watchman or family, which buildings must be removed upon completion or abandonment of the construction work	P	P	P	P
Townhomes	-	-	-	-
Vacation rental and/or short term rental (one per lot or parcel)	P	P	P	P
Vacation rental and/or short term rental (two per lot or parcel)	-	-	C	C

Note:

1. See article C of this chapter for general requirements; see also section 9-6C-3, "Nonpermitted Use", of this chapter.

(Ord. 2013-5, 8-12-2013, eff. 8-27-2013; amd. Ord. 2014-15, 7-28-2014; Ord. 2014-16, 8-25-2014; Ord. 2014-21, 12-22-2014; Ord. 2016-16, 12-12-2016; Ord. O-2018-2, 4-9-2018; Ord. O-2018-6, 7-9-2018; Ord. O-2018-7, 7-23-2018; Ord. O-2019-09, 5-14-2019; Ord. 2020-22, 10-27-2020; Ord. O-2022-18, 4-26-2022; Ord. O-2022-25, 5-24-2022; Ord. 2022-34, 6-14-2022; Ord. O-2023-31, 9-26-2023; Ord. O-2025-2, 2-25-2025)

ARTICLE B. MULTI-RESIDENTIAL ZONE

SECTION:

9-6B-1: Purpose

9-6B-2: Conditions

9-6B-3: Area And Setback Regulations

9-6B-4: Uses Table

9-6B-1: PURPOSE:

The purpose of the multi-family residential zone is to provide appropriate areas in the county where multi-family neighborhoods may be established, maintained and protected while protecting the integrity and characteristics of neighboring properties. In an effort to support affordable and moderate-income housing, short-term rentals are not permitted in multi-residential units. (Ord. O-2022-18, 4-26-2022; amd. Ord. O-2023-13, 11-28-2023; Ord. O-2025-09, 4-22-2025)

9-6B-2: CONDITIONS:

- A. Lot Coverage: Land coverage of all buildings shall not exceed thirty percent (30%) of the lot or parcel acreage.
- B. Density: Each parcel shall contain, no more than 8 units per acre.
- C. Water And Sewer: Individual water supply and/or sewage disposal systems shall be subject to the approval of the Board of Health and/or the County Engineer.
- D. Parking: Refer to chapter 13 of this title.
- E. Building Height: Buildings with a height over thirty five feet (35') need a conditional use permit.
- F. Site Plan: Site plan subject to approval by the Kane County Land Use Authority. (Ord. 2013-5, 8-12-2013, eff. 8-27-2013; amd. Ord. 2014-16, 8-25-2014; Ord. O-2022-18, 4-26-2022; Ord. O-2023-12, 4-25-2023)

9-6B-3: AREA AND SETBACK REGULATIONS:

Zone	Area	Front	Side	Rear
MR	1 acre minimum	30 feet	20 feet	20 feet

(Ord. O-2022-18, 4-26-2022)

9-6B-4: USES TABLE:

Use	
Use	
Accessory buildings and uses customarily incidental to conditional uses	C
Accessory buildings and uses customarily incidental to permitted uses	P
Apartments	C
Condominiums	C
Church	C
Home Occupation	P
Household Pets	P
Mobile Home Park	C
Multiple-Family Dwellings	C
Park or Playground	P
Plex Housing - Not to exceed 8 units	C
Private Recreation Grounds and Facilities	C
Public, quasi-public, and private service utility lines, pipelines, power lines overhead lines with base structure over 70 feet	P
School	P
Single Family Dwellings	P
Town Homes	C

ARTICLE C. RESIDENTIAL FACILITIES FOR ELDERLY PERSONS; RESIDENTIAL FACILITIES FOR PERSONS WITH A DISABILITY; GROUP HOMES

SECTION:

9-6C-1: Intent; Compliance

9-6C-2: Requirements

9-6C-3: Nonpermitted Use

9-6C-1: INTENT; COMPLIANCE:

The purpose of this article is: a) to ensure residential facilities for elderly persons ("facility"), residential facilities for persons with a disability ("facility"), and group homes ("home") do not suffer from a discriminatory land use impact or action, b) to ensure such facilities, uses, and homes do not have an adverse impact on the character of adjacent neighborhoods or individuals, by posing a direct or serious threat to them or property, even with reasonable accommodation(s), and c) to ensure that issues of public safety, traffic, and parking are mitigated. To carry out these purposes, residential facilities for elderly persons, residential facilities for persons with a disability, and group homes shall be governed by the provisions that follow. (Ord. 2014-21, 12-22-2014)

Each section under this article shall comply with and be enforced only to the extent allowed by: a) title 57, chapter 21, Utah fair housing act, and applicable jurisprudence; b) the fair housing amendment act of 1988, 42 USC section 3601 et seq., and applicable jurisprudence; and c) section 504, rehabilitation act of 1973, and applicable jurisprudence.

"Disability" or "disabled", as referred to in this article, shall have the same meaning as defined in chapter 1 of this title, Utah code section 17-27a-103, and the United States Code, title 42, section 12102, as may be amended or renumbered, with any disparities between the separate definitions being resolved by adherence to the United States Code. For purposes of this chapter, "residential facilities for persons with a disability" also includes residential facilities for the rehabilitation and treatment of the disabled.

Discriminatory actions against elderly or disabled persons, residential facilities for elderly persons, residential facilities for persons with a disability, and group homes are prohibited. (Ord. 2014-16, 8-25-2014)

9-6C-2: REQUIREMENTS:

A. Zones Permitted: Residential facilities for elderly persons, residential facilities for persons with a disability, and group homes shall be permitted in any zone where a single-family dwelling is permitted, and shall not be considered a multiple-family dwelling when there is compliance with the provisions of this chapter.

B. Single-Family Dwelling Regulations: Wherever situated, residential facilities for elderly persons, residential facilities for persons with a disability, and group homes shall be subject to the same federal, state, and local laws, regulations and land use practices that govern single-family dwellings.

C. Reasonable Accommodation: Reasonable modifications to or reasonable accommodations in application of the ordinances, policies, rules and practices shall be granted, to the extent required by applicable law and jurisprudence, upon application to the land use authority, subject to the process and review outlined in chapter 15, "Conditional And Temporary Uses", of this title when such accommodation(s) may be necessary to afford an applicant to use and enjoy a dwelling.

D. Business License: If operating as a business, a residential facility for elderly persons, residential facility for persons with a disability, or a group home shall be required to obtain a business license before operating the facility or home.

E. Anticipatory Reasonable Accommodation: As an anticipatory reasonable accommodation permitted under this article, residential facilities for elderly persons, residential facilities for persons with a disability, and group homes located within a single building/dwelling or single-family dwelling may be occupied by up to eight (8) persons who are not related by blood, marriage or adoption, without application to the land use authority.

F. Licensure And Reports: Residential facilities for elderly persons, residential facilities for persons with a disability, and group homes shall acquire and abide by any state, federal, or local licensure and inspection requirements. The facility or group home shall provide to the land use administrator: 1) a copy of any reports issued by the department of health or by the department of human services; b) a copy of the policy and procedures manual for the specific location, if required and provided through the state licensing process; and c) a copy of any pertinent license issued to the land use administrator. These items shall be kept on file, as well as any renewed or updated license or documents. This requirement must be fulfilled in order to be considered a permitted use.

G. Proximity: If a residential facility for elderly persons, a residential facility for persons with a disability, or a group home is being occupied by more than four (4) unrelated persons, under the explicit reasonable accommodation outlined herein, then the facility or home may not be located closer than three-fourths ($\frac{3}{4}$) mile from a similar facility, in order to avoid or

mitigate any detrimental impact resulting from an excessive concentration of such facilities in close proximity.

H. **Parking:** Residential facilities for elderly persons, residential facilities for persons with a disability, and group homes shall comply with the parking regulations of chapter 13 of this title, providing sufficient off street parking and circulation to prevent issues of public safety and traffic.

I. **Voluntary Basis:** In order to avoid and mitigate health and safety concerns, and to be considered a permitted use, placement in a residential facility for elderly persons, residential facility for persons with a disability, or a group home shall be on a strict voluntary basis and may not be a part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional institution, or a condition of probation/parole.

J. **Safety Plan:** If a residential facility for elderly persons, a residential facility for persons with a disability, or a group home is being occupied by more than four (4) unrelated persons, under the explicit reasonable accommodation outlined herein, then a safety plan must be developed and submitted to the land use administrator, for the use to be a permitted use, demonstrating adequate supervision and control of the residents, in order to ensure the safety of the residents and surrounding community.

1. Any denial, rejection, or request to modify the safety plan must be based on written findings articulating grounds related to a serious or direct threat(s) to health or safety.

2. The safety plan shall be reviewed by and must be determined to be satisfactory to the Kane County sheriff's office and be approved by the land use administrator.

3. The safety plan shall include, but not be limited to: a) a parking and circulation plan; b) security and surveillance plan; and c) visitation hours, if any.

4. If considered necessary for traffic safety, pursuant to applicable requirements, additional parking in a reasonable number may be required by the land use administrator.

K. **Safety Plan; Substance Abuse Facilities:** For residential facilities for persons with a disability that are substance abuse facilities and are located within five hundred feet (500') of a school, where more than four (4) unrelated persons reside, then a safety plan must be developed and submitted to the land use administrator, for the use to be a permitted use, demonstrating adequate supervision and control of the residents, in order to ensure the safety of the residents and surrounding community.

1. Any denial, rejection, or request to modify the safety plan must be based on written findings articulating grounds related to a serious or direct threat(s) to health or safety.

2. The safety plan shall be reviewed by and must be determined to be satisfactory by the Kane County sheriff's office and be approved by the land use administrator.

3. The safety plan shall include, but not be limited to: a) a security and surveillance plan; b) twenty four (24) hour supervision of residents; c) other twenty four (24) hour supervision measures; if any.

L. **Adequate Personal Space:** The owner/operator of the facility or home shall ensure that each resident has adequate personal space.

M. **Rehabilitation/Treatment Of Individuals Diagnosed With Addiction:** To ensure the health and safety of adjacent neighbors, when a residential facility for persons with a disability involves the rehabilitation and/or treatment of individuals diagnosed and suffering from an addiction to alcohol or a controlled substance (as defined in the controlled substance act, 21 USC 802), the following provisions must be complied with in order to be considered a permitted use under this chapter:

1. Individual residents have completely abstained from the use of alcohol and all controlled substances for a continuous period of at least thirty (30) days immediately prior to becoming a resident of the home.

2. All residents of the home must completely abstain from using alcohol and controlled substances during the period that they are residents of the home. Any resident who uses alcohol or a controlled substance, whether on or off the premises, shall be immediately expelled from the facility and shall not be readmitted for a period of at least thirty (30) days following the violation. However, nothing contained herein shall be construed to prohibit a resident from taking a prescribed medication for which a resident has a valid and current prescription.

N. **Threat To Health Or Safety:** Residency within a residential facility for elderly persons, a residential facility for persons with a disability, or a group home shall not be available to or occupied by any individual whose tenancy or recent personal history would constitute an articulable, direct or serious threat to the health or safety of other individuals or whose tenancy could result in substantial physical damage to the property of another.

1. Prior to allowing an individual to reside in a facility or home, an owner/operator of a facility or home shall conduct an individualized assessment of each person desiring to become a resident of the facility or home to determine if such person would constitute a direct or serious threat to the health or safety of other individuals or property. Such assessments should consider such things as the individual's past criminal history, violent or aggressive sexual acts, passage of time since such acts, and evaluations and treatments the individual has received.

2. No individual determined to pose a risk for commission of sexual offenses, or being classified as having predatory tendencies may be accepted as a resident.

O. Investigations: The owner/operator of a facility or home shall promptly investigate, and cooperate in any law enforcement investigation, of any and all allegations, of which it is or may become aware, relating to the acts of an individual residing in or employed by such facility or home as may constitute a violation of the provisions of this article. The owner/operator shall provide the land use administrator with the details of any allegation(s), results of the investigation, and any proposed remedial measures. If an allegation is found to be substantiated, the owner/operator shall take immediate and reasonable action under the circumstances to correct, mitigate, or remedy the violation and any harm or damage resulting therefrom, and to protect the person or property of such individual and others residing or employed in and near the facility or home. (Ord. 2014-16, 8-25-2014)

9-6C-3: NONPERMITTED USE:

A. The permitted use designation of a residential facility for elderly persons, a residential facility for persons with a disability, or a group home is contingent upon compliance with the provisions in this article. Noncompliance with this article constitutes a nonpermitted use under this article.

B. A residential facility for elderly persons, a residential facility for persons with a disability, or a group home that poses a serious or direct threat to the health or safety of another person or another's property, and the threat to health and safety cannot be adequately abated with a reasonable accommodation(s), is not a permitted use.

C. Determining whether an individual resident, a residential facility for elderly or disabled persons, or group home poses a direct or serious threat, thereby constituting a nonpermitted use, must be made on an individualized basis, based on overt acts, past criminal history, violent or aggressive sexual acts, passage of time since such acts, evaluations, and/or factually supported reports. Such determination shall not be based on general assumptions or speculation about the nature of a disability, group home, or residential facility.

D. The normal and proper procedures for abating a nonpermitted use shall be followed should an existing home or facility be found in noncompliance with this article. The land use administrator is encouraged to advise an owner, operator, or applicant of the application process to request a reasonable accommodation, if appropriate. (Ord. 2014-16, 8-25-2014)

ARTICLE D. SHORT TERM RENTAL AND LODGE REGULATIONS WITHIN RESIDENTIAL ZONES

SECTION:

9-6D-1: Definitions

9-6D-2: Scope

9-6D-3: Terms Of Use

9-6D-4: Maintenance Standards

9-6D-5: Prevention Of Noise, Trespass, Prohibited Activities

9-6D-6: Required Posting

9-6D-7: Tax Responsibilities

9-6D-8: Enforcement

9-6D-1: DEFINITIONS:

The following definitions shall apply to this article:

LODGES, RESIDENTIAL:	A building or dwelling with one or more rooms that are rented out by the day for not more than thirty (30) days by a single paying affiliated group of fifteen (15) or more individuals, but not more than twenty four (24) individuals. In the case that the subject property is serviced by Municipal scale water and sewer, an additional eleven (11) individuals may be permitted for a maximum occupancy of thirty five (35) through the conditional use application.
NIGHTLY/SHORT TERM RENTAL:	A detached single-family dwelling unit used as a transient lodging facility occupied at any time by no more than ten (10) individuals of a single group on a temporary basis for less than thirty (30) days as an alternative to a hotel or motel.
OWNER:	The recorded property owner of the residence being used as a short term rental or lodge. The owner may be a person or any form of business entity recognized by the State of Utah. If the owner is a business entity, the business shall maintain current registration with the Utah Department of Commerce.
PROPERTY MANAGEMENT COMPANY:	The owner's agent for renting and/or managing the property, if any. (Ord. O-2019-5, 4-22-2019; amd. Ord. 2019-09, 5-14-2019; Ord. O-2022-60, 11-22-2022)

9-6D-2: SCOPE:

This article shall apply only to short term rentals and lodges located within a Residential Zone. (Ord. 2019-09, 5-14-2019)

9-6D-3: TERMS OF USE:

Short term rental and lodge use of a single family dwelling shall be an allowed use in Residential Zones if the following terms are complied with:

- A. Each short term rental or lodge shall maintain a current Kane County business license.
- B. Owner shall maintain active registration with the State of Utah and remit all taxes deemed necessary by the Utah State Tax Commission.
- C. Short term rental or lodge shall comply with all applicable rules and regulations set forth by the local Health Department, County Building Department, and Kane County Land Use Authority.
- D. Short term rentals and lodges are limited to one short term unit per property, unless allowed otherwise by zone.
- E. Short term rental shall not exceed the maximum occupancy of ten (10) individuals at a time.
- F. Lodges shall not exceed the maximum occupancy of twenty four (24) individuals, if the property is serviced by Municipal scale water and sewer, an additional eleven (11) individuals may be permitted for a maximum occupancy of thirty five (35) through the conditional use application.
- G. In the R-5 zone a conditional use permit is required for all lodges.
- H. If a CUP is obtained for a lodge a fire suppression system shall be installed.
- I. Short term rentals and lodges shall provide a minimum of four (4) off street parking spaces. (Ord. 2019-09, 5-14-2019; Ord. O-2022-60, 11-22-2022; Ord. O-2024-19, 5-14-2024)

9-6D-4: MAINTENANCE STANDARDS:

All short term rentals and lodges shall conform to maintenance standards as defined in the Kane County Nuisance Ordinance. (See subsection 4-3-3B of this Code.) (Ord. 2019-09, 5-14-2019)

9-6D-5: PREVENTION OF NOISE, TRESPASS, PROHIBITED ACTIVITIES:

The owner/property manager of a short term rental or lodge property shall be responsible to ensure that guests or occupants of the short term rental or lodge property comply with all noise, trespass, and safety conditions as defined in the Kane County Nuisance Ordinance. (See section 4-3-3 of this Code.) (Ord. 2019-09, 5-14-2019)

9-6D-6: REQUIRED POSTING:

The following information must be posted in clear and prominent area near the primary entrance of the short term rental or lodge.

- A. Business License: A copy of the Kane County business license;
- B. Owner, Property Manager Information: The name, address, and phone number of the owner or property manager;
- C. Maximum Occupancy: Total occupants of the dwelling shall not exceed the allowed amount as listed in the use definition. (Ord. 2019-09, 5-14-2019)

9-6D-7: TAX RESPONSIBILITIES:

The owner of any dwelling licensed as a short term rental or lodge shall be required to collect and remit Transient Room Tax and any other tax deemed necessary by the State Tax Commission. Failure to do so may result in civil or criminal penalties, or both, under County and/or State Code. (Ord. 2019-09, 5-14-2019)

9-6D-8: ENFORCEMENT:

All violations of this chapter shall constitute a Class C misdemeanor and shall be enforced in compliance with section 9-1-9 of this title. (Ord. O-2019-5, 4-22-2019)

ARTICLE E. RECREATIONAL VEHICLE REGULATIONS WITHIN RESIDENTIAL ZONES

SECTION:

9-6E-1: Definitions

9-6E-2: Scope

9-6E-3: Occupied Recreational Vehicles

9-6E-4: Unoccupied Recreational Vehicles

9-6E-5: Miscellaneous Requirements

9-6E-1: DEFINITIONS:

The following definitions shall apply to this article:

OCCUPIED:	Lived in or slept in for twenty four (24) hours or more.
RECREATIONAL VEHICLE:	A motor vehicle or trailer equipped with living space and amenities found in a home which may include a kitchen, bathroom, bedroom, living room, water and sewer; including, but not limited to, a camp trailer, motor home, travel trailer, fifth wheel trailer, pop up trailer, and slide-in camper.
SEASONALLY:	No more than six (6) consecutive months in any calendar year. (Ord. 2013-9, 9-23-2013, eff. 10-8-2013; amd. Ord. 2020-17, 8-24-2020)

9-6E-2: SCOPE:

This article shall apply only to recreational vehicles located within residential zones. (Ord. 2013-9, 9-23-2013, eff. 10-8-2013)

9-6E-3: OCCUPIED RECREATIONAL VEHICLES:

A. No occupied recreational vehicle shall be located in a residential zone anywhere within the county except as follows:

1. Within a:
 - a. Recreational vehicle park (see chapter 18 of this title);
 - b. Manufactured/mobile home park subject to the requirements of chapters 17 and 18 of this title; or
 - c. Designated camping area; or
2. As allowed by this article.

B. A recreational vehicle may be occupied seasonally if the following terms are complied with:

1. No more than two (2) recreational vehicles are located on the property whether occupied or unoccupied;
2. The recreational vehicle is not occupied more than six (6) consecutive months in any calendar year;
3. No rent or other form of payment is charged or received;
4. The recreational vehicle shall comply with the required setbacks for the zone;
5. The recreational vehicle is connected to the culinary water system;
6. The holding tanks and any wastewater are emptied using an approved on site septic system; no more than two (2) recreational vehicles shall be hooked up to a single septic system;
7. The power is connected in accordance with all applicable safety standards;
8. The recreational vehicle is:
 - a. Removed from the property when not occupied,
 - b. Vacated and removed from the property after six (6) months of occupation in any calendar year, or
 - c. Unoccupied and stored according to section 9-6E-4 of this article;
9. The recreational vehicle is licensed and ready for highway use.
10. If the recreational vehicle will be used for less than fourteen (14) consecutive days, section 9-6E-3B.5. and 9-6E-3B.6 do not apply.

C. Upon application of the landowner, the Land Use Authority may approve a temporary use permit for the occupation of more than two (2) recreational vehicles on one residential property depending upon the size and contour of the property, if the property is one acre or larger.

D. Upon application of the landowner, the Land Use Authority may approve a temporary use permit for the occupation of recreational vehicles on one residential property for a period exceeding six (6) months but not more than nine (9) months in any calendar year.

E. If living in a recreational vehicle while building a home, a building permit must be issued before a temporary use permit can be granted. A temporary use permit allowing occupation of a recreational vehicle while building a home may be authorized for more than nine (9) months so long as the building permit remains active. The Land Use Administrator or the Zoning Administrator shall review the permit annually and may reauthorize the permit for an additional year if the building

permit is still active.

F. The Land Use Authority may deny, approve, or approve with additional requirements any application submitted under subsection C or D of this section.

G. The temporary permit shall state the number of recreational vehicles authorized if more than two (2) and the dates that the vehicles will be on the property if for more than six (6) months.

H. Any failure to comply with this section is grounds for immediate revocation of the temporary use permit and immediate removal of the recreational vehicle unless the recreational vehicle complies with another section of this article.

I. Note: Individual lots may belong to a homeowners' association or have restrictive covenants which have greater restrictions regarding recreational vehicles. Nothing in this article shall be construed as to prevent private enforcement of any restrictive covenants or HOA rules. (Ord. 2013-9, 9-23-2013, eff. 10-8-2013; amd. Ord. 2014-15, 7-28-2014; Ord. O-2019-4, 3-25-2019; Ord. 2020-17, 8-24-2020)

9-6E-4: UNOCCUPIED RECREATIONAL VEHICLES:

A. An unoccupied recreational vehicle may be located as follows:

1. No more than two (2) recreational vehicles shall be located on one (1) residential property, whether occupied or unoccupied;

2. Upon application of the landowner, the Land Use Authority may approve a temporary use permit for the storage of more than two (2) recreational vehicles on one (1) residential property depending upon the size and contour of the property if the property is an acre or larger.

3. All unoccupied recreational vehicles shall be winterized, all holding tanks emptied, and readily available for immediate highway use. (Ord. 2013-9, 9-23-2013, eff. 10-8-2013; amd. Ord. 2020-17, 8-24-2020)

9-6E-5: MISCELLANEOUS REQUIREMENTS:

A. Any recreational vehicle, located in a Residential Zone, that has fallen into disrepair, collapsed, or is otherwise uninhabitable shall constitute a nuisance and shall be removed from the property within sixty (60) days of notice by the Land Use Administrator. Failure to remove recreational vehicles deemed a nuisance hereunder after notice shall be a violation of this article.

B. Trash, refuse, or waste generated from use, storage or occupancy of a recreational vehicle must be contained and disposed of properly at all times.

C. Setbacks still apply according to the zone the recreational vehicle is placed in.

D. Any violation of this article is punishable as a Class C misdemeanor. (Ord. 2013-9, 9-23-2013, eff. 10-8-2013)

E. Any reported violation requires three (3) directly affected property owners within five hundred feet (500') of the property reportedly in violation. (Ord. 2014-15, 7-28-2014)

Section 1 – Definitions

1. **Permanent or Primary Residence** – The principal dwelling where a person resides for more than six (6) months in a calendar year or claims as their domicile for legal, tax, or voting purposes.
2. **Temporary Occupancy** – Use of a mobile or recreational unit for seasonal, recreational, or transient purposes where the occupant maintains a verifiable primary residence elsewhere.

Section 2 – Occupancy Regulations

A. Prohibited Occupancy

At no time shall a mobile home, travel trailer, recreational vehicle, boat, camping trailer, truck camper, or motor home be occupied as a permanent or primary residence within the Town limits, except in a duly approved and licensed mobile home park or other location specifically authorized by zoning regulations.

B. Permitted Temporary Occupancy

1. Temporary occupancy for seasonal, recreational, or transient purposes is permitted when:
 - a. The unit is not the occupant's sole and permanent residence;
 - b. The occupancy period does not exceed one hundred eighty (180) consecutive days, unless extended under a written month-to-month rental agreement that preserves the transient nature of the stay; and
 - c. The occupant maintains a verifiable primary residence elsewhere.
2. Examples of permitted temporary occupancy include but are not limited to:
 - a. Seasonal "snowbird" stays;
 - b. Short-term vacation use;
 - c. Temporary worker or contractor accommodations with a defined end date.

C. Business Use

Operators of parks, resorts, or campgrounds offering temporary occupancy must:

1. Maintain a current business license;
2. Comply with all applicable zoning, building, and health regulations; and
3. Retain documentation verifying compliance with this section for each guest.