

BIG WATER TOWN
ORDINANCE 02-2026 COMMERCIAL ZONES SUPPLEMENTARY
DEVELOPMENTAL STANDARDS

**AN ORDINANCE AMENDING TITLE 15 OF THE BIG WATER TOWN CODE TO
ENACT COMMERCIAL AND INDUSTRIAL ZONES SUPPLEMENTARY
DEVELOPMENTAL STANDARDS AND APPENDICES**

WHEREAS, the Town of Big Water (“Town”) is empowered under Utah law to enact land use regulations promoting the health, safety, and welfare of its residents; and

WHEREAS, Title 15 of the Big Water Town Code establishes zoning districts and provides for the regulation of land uses therein; and

WHEREAS, the Town has identified a need to adopt ~~supplementary development standards for the commercial zoning districts (C-1, C-2, C-3) and industrial zones~~ ~~supplementary development standards for the industrial zoning districts (I-1, I-2)~~ to ensure high-quality development, protect public safety, preserve the Town’s character, and promote desirable economic activity; and

WHEREAS, the Planning and Zoning Board has reviewed proposed standards relating to building height, temporary structures, ~~yard regulations~~, setbacks, landscaping, design standards, storage, and related provisions, and has recommended their adoption; and

WHEREAS, the Town Council finds that such standards further the purposes of the Big Water Zoning Ordinance and serve the long-term planning goals of the community; and

WHEREAS, the Town also finds it necessary to include as an appendix a permitted-uses chart for the C-1, C-2, and C-3 ~~commercial~~ zoning districts and I-1 and I-2 industrial zones supplementary standards; and

WHEREAS, after ~~duly~~ noticed public hearing, held on _____ the Town Council has determined that adopting these standards promotes the public welfare and is in the best interest of the Town of Big Water;

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

SECTION 1: **AMENDMENT** “15.20.010 Zoning By Districts” of the Big Water Zoning Code is hereby *amended* as follows:

A M E N D M E N T

15.20.010 Zoning By Districts

In accordance with the requirement of the Utah Code that zoning within municipalities be by districts, Big Water Town, as shown on the Big Water Zoning Districts Map, is divided into zoning districts that govern the use, intensity and other requirements for the use of all lands located within the Town. The map accompanying this Ordinance, the Big Water Zoning Districts Map (Zoning Map), and incorporated herein by reference, identifies the location and distribution of the zoning district provided by the Town. All development, use, activity, and all required permits and licenses shall conform to the provisions, standards, and requirements of the applicable zoning district.

To meet the purposes of this Ordinance, the following zoning districts are provided;

1. Residential ~~Estates~~ Zone R-1(Re-2)
2. Residential ~~Estates~~ Zone R-2(Re-1)
3. Residential Zone R-3(R-1)
4. ~~Mixed Use Residential Zone(R-2)~~ Residential Overlay R-4
5. General Commercial Zone (C-1)
6. General Commercial Zone (C-2)
7. General Commercial Zone (C-3)
8. ~~Mixed Use Commercial/Residential (M-1)~~ Commercial Overlay
9. Light Industrial Zone (I-1)
10. Heavy Industrial Zone (I-2)

SECTION 2: AMENDMENT “15.20.020 Zoning District Purpose” of the Big Water Zoning Code is hereby *amended* as follows:

15.20.020 Zoning District Purpose

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

1. **~~RE-2~~ R-1 Residential Estates Zone.** The ~~R-1~~ R-1 Residential Estates Zone is provided to allow for residential estate uses and neighborhoods of a rural character together with a limited number of livestock for the benefit and enjoyment of the residents of the neighborhood.
2. **~~RE-4~~ R-2 Residential Estates Zone.** The ~~R-2~~ R-2, Residential Estates Zone is provided to allow for residential estate neighborhoods of a rural character together with a limited number of livestock for the benefit and enjoyment of the residents of the neighborhood.
3. **~~Residential(R-1)~~ R-3 Residential Zone.** The ~~R-3~~ R-3 Residential Zone is provided to allow the opportunity where residential areas may be established, maintained, and protected. The R-1 Zone District also allows for the establishment, with proper controls for public and semi-public uses such as churches, schools, libraries, parks and playgrounds that serve the requirements of families. The regulations are intended to

prohibit those uses that would be harmful to a residential neighborhood.

4. **R-2 Mixed Use Residential Zone.** R-4 Residential Overlay. The R-4 Residential Overlay ~~2 Mixed Use Residential Zone~~ is provided, with the establishment of proper controls to allow the use of manufactured homes. This zone is designed to deal with areas of existing mixed use.
5. **C-1 General Commercial Zone.** The purpose of the C-1 General Commercial Zone is to ~~provide areas for retail and service activities in locations convenient to serve residents~~ establish and distinguish a “main street” and/or historic downtown commercial area of the Town of Big Water. This zone is characterized by a variety of types of goods and services that complement one another and is intended to facilitate a high density of economic activity in a walkable atmosphere. The C-1 Commercial Zone encourages a mix of store front commercial retail, restaurants, hotels, mixed residential/commercial, and office space.
6. **C-2 Commercial Zone.** a. The objective of the C-2 Commercial Zone is to provide space within the Town of Big Water where nearly all types of commercial goods and services may be provided. Since the Zone permits such a wide variety of uses, the protective features which zoning normally affords to adjacent properties are mostly nonexistent. Owners should develop and maintain their property in recognition thereof. b. The C-2 Commercial Zone is located principally along major roadways for maximum visibility to the public. To maximize traffic safety, property owners should work together to provide access, parking, etc. to adjacent parcels and access should be provided in a manner that will minimize the hazard of traffic leaving and entering major roadways.
7. **C-3 Commercial Zone.** The principal objective in establishing the C-3 Commercial Zone is to provide space within the Town of Big Water where facilities that serve the traveling public can be most appropriately located. These purposes would include government buildings such as town halls, public safety buildings, and schools. Other purposes for establishing the C-3 Commercial Zone is to promote safety on the highways, to promote the convenience of the traveling public, to promote beauty in the appearance of roadsides and interchanges leading into the Town of Big Water, and to prohibit uses which will tend to be contrary to the use of the land for its primary purposes of which would be unsightly to the traveling public.
8. **M-1 Mixed Use Zone.** Commercial Overlay. The purpose of the Commercial Overlay ~~M-1 Zone~~ is to provide a variety of uses as an appropriate transition between high-traffic streets and residential uses.
9. **I-1 Light Industrial zone.** Manufacturing, processing, storage, or assembly operations that do not produce excessive noise, vibration, odor, glare, or hazardous byproducts and that can operate safely near commercial uses.
10. **I-2 Heavy Industrial Zone.** The I-2 zone is provided to allow for heavy industrial uses not allowed in any other zone.

SECTION 3: ADOPTION “15.23 COMMERCIAL ZONES SUPPLEMENTARY DEVELOPMENT STANDARDS” of the Big Water Zoning Code is hereby *added* as follows:

ADOPTION

15.23 COMMERCIAL ZONES SUPPLEMENTARY DEVELOPMENT STANDARDS(*Added*)

SECTION 4: ADOPTION “15.23.010 Purpose” of the Big Water Zoning Code is hereby *added* as follows:

ADOPTION

15.23.010 Purpose(*Added*)

The purpose of commercial zones supplementary developmental standards is to further the purposes of this Ordinance. Compliance with supplementary standards for a particular use as well as all other requirements of this Ordinance and all other applicable requirements of other Ordinances shall be required for the issuance of any required development approval, license, or permit.

SECTION 5: ADOPTION “15.23.020 Definitions” of the Big Water Zoning Code is hereby *added* as follows:

ADOPTION

15.23.020 Definitions(*Added*)

The definitions for this Chapter shall be as provided in 15.42.010.

SECTION 6: ADOPTION “15.23.030 Commercial Temporary Structures” of the Big Water Zoning Code is hereby *added* as follows:

ADOPTION

15.23.030 Commercial Temporary Structures(*Added*)

1. “Commercial Temporary Structures” is defined as a temporary structure intended for outdoor use for a limited time, not to exceed ONE HUNDRED SEVENTY-NINE (179) days in any rolling twelve-month (12) period, in a commercial zone. A Commercial Temporary Structure shall be approved by the Big Water Planning and Zoning Board and shall meet the following requirements:

- a. Shall not include illumination on the exterior, except for pedestrian safety; b. Shall be removed upon expiration of the permit period, unless an extension is granted by the Town of Big Water; c. May be used for temporary sales, grand openings, holiday promotion, temporary seating, and/or farmer’s markets; d. Shall require a permit from the Town of Big Water Building Inspector and pay the required fee(s); e. Shall not block the visibility or normal movement of vehicles and pedestrians; f. Shall not eliminate required parking; g. Shall be maintained in good repair at all times; h. Shall be installed on a hard surface with proper tie downs; i. Shall meet all adopted fire and building codes for a temporary structure; and j. Shall meet all design standards for the underlying zone, except building material requirements (unless specified in the building or fire codes).

2. An Application must be made to the Town of Big Water which specifies the location, design elements, and period of time for which the approval is sought. The Big Water Building Inspector shall approve the application.

SECTION 7: ADOPTION “15.23.040 Height Regulations” of the Big Water Zoning Code is hereby *added* as follows:

ADOPTION

15.23.040 Height Regulations(*Added*)

No building shall be erected to a height greater than twenty-seven (27) feet, NOT LOWER THAN TWELVE (12) FEET. The height regulation is for fire safety purposes as the current fire safety equipment for the Town of Big Water cannot reach buildings that are of a height greater than twenty-seven (27) feet.

SECTION 8: ADOPTION “15.23.050 Temporary Events On Public Right-Of-Way” of the Big Water Zoning Code is hereby *added* as follows:

ADOPTION

15.23.050 Temporary Events On Public Right-Of-Way(*Added*)

In no case shall business be conducted on public right-of-way except as allowed by a special events permit issued by the Town of Big Water.

SECTION 9: ADOPTION “15.23.060 Minimum Area, Width, And Yard Regulations” of the Big Water Zoning Code is hereby *added* as follows:

ADOPTION

15.23.060 Minimum Area, Width, And Yard Regulations(*Added*)

			Yard Setbacks in Feet		
Zone	Area	Width	Front	Side	Rear
C-1	5,000 sq ft	0	0	0	2
C-2	5,000 sq ft	0	0	0	2
C-3	12,000 sq ft	0	0	0	2

Where a commercial zone abuts a residential zone, building setbacks shall be as follows:

Building Height	Yard Setbacks in Feet		
	Front	Side	Rear
Greater than 16 feet	0	20	20
Less than 16 feet	0	10	10

SECTION 10: ADOPTION “15.23.070 Special Regulations” of the Big Water Zoning Code is hereby *added* as follows:

ADOPTION

15.23.070 Special Regulations(*Added*)

1. All used materials and used merchandise that are not for decorative purpose, except vehicles in running order, shall be stored in an enclosed building or within an enclosure surrounded by a sight-obscuring fence or wall of not less than six (6) feet in height and no material or merchandise shall be stored to a height of more than the height of the enclosing fence or wall.
2. No trash, rubbish, weeds, nor other combustible material shall be allowed to remain on any lot outside of approved containers in any Commercial Zone. No debris, abandoned or dismantled automobile or automobile parts, maritime vessels or similar material shall be stored or allowed to remain on any lot in any Commercial Zone.
3. All solid waste storage facilities shall be located at the rear of the main building or else behind a sight-obscuring fence or wall which will prevent the facility from being seen from a public street.

SECTION 11: ADOPTION “15.23.080 Design Standards For The Commercial Zones (C-1, C-2, C-3)” of the Big Water Zoning Code is hereby *added* as follows:

15.23.080 Design Standards For The Commercial Zones (C-1, C-2, C-3)(*Added*)

1. The purpose of Design Standards is to maintain the character of the Town of Big Water as a destination community with breathtaking scenery, to preserve the town’s corridors, preserve and enhance the rural western character of the downtown/”main street” area, provide a significant landscaped buffer between development and highway uses, minimize curb cuts and access points to highways, and enhance the Town of Big Water’s walkable downtown/”main street” atmosphere.
2. In this section, “building surface” refers to any outside portion of the building that is viewable from an adjacent street or walkway, not including the roof.
3. Any design or landscape requirement that apply to C-1 in this chapter, or in any other zoning code, shall also apply to any lots that are located in a future downtown/”main street”.
4. Lot and Site requirements are subject to the following:

- a. A façade improvement that requires a building permit within the Commercial Zones shall obtain approval from the Planning and Zoning Board. A façade improvement that does not require a building permit shall obtain approval from the Big Water Planning Coordinator.
- b. When possible, driveways shall be shared between adjoining properties. Driveways must be placed where they create the least interference with traffic on highways. Driveways and drive-thrus shall be located away from adjoining residentially zoned areas, when feasible,

and provide privacy walls and landscape buffers along common boundaries with residences in residential zones. c. The Big Water Planning and Zoning Board shall review all proposals for pedestrian, bicycle paths and trails through the commercial zones. d. Street trees shall be planted in the right-of-way as part of the site landscaping requirements. The trees shall be non invasive species and shall be maintained according to the Town of Big Water landscape requirements. e. Businesses proposing outdoor street front seating and/or dining should consider an adequate front setback in their site plan to accommodate such front area use. f. When new construction and/or when a change of use occurs, parking standards for these businesses shall be considered by the Planning and Zoning Board, see Chapter 15.20.070 Off-Street Parking Requirements. Parking for new buildings in the C-1 Commercial Zone shall be located in the rear, unless access to the rear is not feasible. g. Buildings in the C-1 Commercial Zone shall be located near the sidewalk with setbacks used for pedestrians, plazas, benches, landscaping and outdoor dining areas, but not for parking (unless requiring parking to the side or back is not feasible). Diagonal parking on side streets is permitted within the Downtown/"Main Street" C-1 Commercial Zone in order to create additional downtown parking. h. Trails and sidewalks shall be provided in all new development within (The C-1/All Commercial Zones) in accordance with the Town of Big Water Trails Master Plan. Trails and sidewalks may be located within the setback areas. i. Outdoor Display of Art, or Public Park Facilities: The permanent installation of an outdoor art display, or outdoor recreational equipment, such as bike racks that require a fixed location on or above the ground and is within thirty (30) feet of a UDOT right-of-way, may be allowed as a Conditional Use. j. Building Front Design: In conjunction with a required site plan, architectural designs for new construction and refurbishing the exterior of an existing commercial building are required, addressing the design standards in this section. Site plans or façade improvements in the commercial zones, that require a building permit, need approval from the Building Inspector/Building Coordinator All other construction or refurbishments that do not require a building permit need approval from the Land Use Coordinator. k. The following guidelines apply to new construction or changes to the exterior of an existing commercial building in the C-1 zone:

- (1) No high gloss or mirrored metal products shall be permitted on the building surface, unless for trim or decorative purpose that consists of less than ten (10) percent of the building surface. The building surface shall consist of at least two Town approved materials, the predominant material nor surpassing eighty-five percent (85%) of the building surface. The ground floor front façade area shall consist of a minimum of twenty-five percent (25%) window area. Town approved materials must be high quality and durable, and include window glass, stucco, rock, stone, metal, brick, and any other material that is substantially similar to these. The following shall not make up more than fifty percent (50%) of the building surface: concrete block, untextured tilt-up concrete panels, or pre-fabricated steel panels.
- (2) Awnings: Awnings shall not be vinyl, aluminum, nor have a shiny or glossy appearance. Corrugated metal awnings are allowed.
- (3) Colors: No fluorescent colors are allowed on building surface or roof. Black cannot be the predominant color of any building surface. Earth tone colors are encouraged.
- (4) The primary pedestrian entry of the building shall face the street and be identified, defined, and reinforced by significant architectural elements of mass. The

appearance of the building front shall present a three dimensional effect through the utilization of such architectural features as pop outs, vertical relief overbuilds, recesses, canopies or porticos supported by columns or protrusions, significant variations in the roof or parapet, etc. (5) The design standards for building fronts described above shall wrap around the building sides adjacent to the primary front, for at least ten (10) feet, unless the Planning and Zoning Board finds that it would be impractical. (6) Building surface shall be broken into smaller elements. Building surface shall be reduced by using a combination of the following techniques: variation in roof lines, variations in wall place with projections and recessed areas, use of windows on elevations facing a street, and use of vertical accents. (7) The Town of Big Water desires to maintain a rural western theme with desert and dinosaur design elements in the commercial areas, particularly the C-1 Zone. While not required, applicants are encouraged to incorporate western, desert, southwestern, adobe style, rustic stucco and/or dinosaur elements into the design scheme. These western features may including hitching posts, sculptures, public art, covered canopies, benches, dinosaur footprints an other similar features that promote a rural western, desert, southwestern, adobe style, rustic stucco or dinosaur feel.

5. Design Standards unique to the C-3 Commercial Zone:

- a. Berms and earthwork screening must be graded and planted in such a manner so as to permit views of primary uses on the site from adjacent entry corridor roadway. Additionally, berm crests shall be contoured and varied in height to avoid a straight-line barrier effect.
- b. All fences in the C-3 Commercial Zone must be one of the following styles: wooden rail; vinyl fencing; architecturally compatible solid wood or natural stone; stock fences that do not front on State Highway 89; and various forms of steel fencing as determined by the Planning and Zoning Board. Chain link fencing is not allowed except behind front of structure.

SECTION 12: ADOPTION “15.23.100 Other Regulations” of the Big Water Zoning Code is hereby *added* as follows:

ADOPTION

15.23.100 Other Regulations(*Added*)

1. Other relevant standards and requirements are found in other sections of this Code, including Landscape Requirements in Chapter 15.14.030; Parking Requirements in Chapter 15.20.070, Signs in Chapter 15.20.090 and Site Plan Review in Chapter 15.26. 2. Except those lots or areas in commercial zones that have been designated or adopted to meet the design standards of the C-1 Commercial Zone, all new residential buildings and developments

on C-2 and C-3 commercial lots shall comply with Chapter 15. (Multi-Family Residential Zone) or Chapter 15.24.020 (Single Family) in the event of a residential structure.

SECTION 13: **ADOPTION** “15.23.110 Land Use Chart And Exhibits A and B” of the Big Water Zoning Code is hereby *added* as follows:

ADOPTION

15.23.110 Land Use Chart And Exhibits A and B(*Added*)

SECTION 14: **ADOPTION** “15.23.090 Permitted Uses” of the Big Water Zoning Code is hereby *added* as follows:

ADOPTION

15.23.090 Permitted Uses(*Added*)

The following are permitted uses in the C-1, C-2 and C-3 zones:

<u>Business Type</u>	<u>C-1</u>	<u>C-2</u>	<u>C-3</u>
<u>Restaurant</u>	<u>P</u>	<u>P</u>	<u>NP</u>
<u>Beauty Shop</u>	<u>P</u>	<u>P</u>	<u>NP</u>
<u>Cleaning and Pressing Establishments</u>	<u>P</u>	<u>P</u>	<u>NP</u>
<u>Laundry and Laundry Agency</u>	<u>P</u>	<u>P</u>	<u>NP</u>
<u>Public Garage</u>	<u>P</u>	<u>P</u>	<u>NP</u>
<u>Bank</u>	<u>P</u>	<u>P</u>	<u>NP</u>
<u>Convenience Store</u>	<u>P</u>	<u>P</u>	<u>NP</u>
<u>Dressmaking Shop</u>	<u>P</u>	<u>P</u>	<u>NP</u>
<u>Milling Shop</u>	<u>P</u>	<u>P</u>	<u>NP</u>
<u>Professional Offices</u>	<u>P</u>	<u>P</u>	<u>NP</u>
<u>Camera Store</u>	<u>P</u>	<u>P</u>	<u>NP</u>
<u>Photography or Art Studio</u>	<u>P</u>	<u>P</u>	<u>NP</u>

<u>Social Clubs and Lodges</u>	<u>NP</u>	<u>P</u>	<u>NP</u>
<u>Drug Store</u>	<u>P</u>	<u>P</u>	<u>NP</u>
<u>Drive-In Business</u>	<u>P</u>	<u>P</u>	<u>NP</u>
<u>Feed and or Fuel Store</u>	<u>NP</u>	<u>P</u>	<u>NP</u>
<u>Mortuary</u>	<u>NP</u>	<u>P</u>	<u>NP</u>
<u>Printing Establishment</u>	<u>P</u>	<u>P</u>	<u>NP</u>
<u>Carpentry or Cabinet Shop</u>	<u>NP</u>	<u>P</u>	<u>NP</u>
<u>Craft Shop</u>	<u>P</u>	<u>P</u>	<u>NP</u>
<u>Farm Machinery Sales Store</u>	<u>NP</u>	<u>P</u>	<u>NP</u>
<u>Auto Parts Sales Store</u>	<u>NP</u>	<u>P</u>	<u>NP</u>
<u>Tourist Shop</u>	<u>P</u>	<u>P</u>	<u>NP</u>
<u>Recreational Coach Shop</u>	<u>NP</u>	<u>P</u>	<u>NP</u>
<u>Theater</u>	<u>P</u>	<u>P</u>	<u>NP</u>
<u>Hotel/Motel</u>	<u>P</u>	<u>P</u>	<u>NP</u>
<u>Radio and Electrical Shop Including Manufacture of Small Parts</u>	<u>P</u>	<u>P</u>	<u>NP</u>
<u>Billiard or Pool Hall (within enclosed building)</u>	<u>P</u>	<u>P</u>	<u>NP</u>
<u>Bowling Alley (within enclosed building)</u>	<u>P</u>	<u>P</u>	<u>NP</u>
<u>Beer Parlor (within enclosed building)</u>	<u>P</u>	<u>P</u>	<u>NP</u>
<u>Dance Hall (within enclosed building)</u>	<u>P</u>	<u>P</u>	<u>NP</u>
<u>Bowing Arena (within enclosed building)</u>	<u>P</u>	<u>P</u>	<u>NP</u>
<u>Amusement Enterprise (within enclosed building)</u>	<u>P</u>	<u>P</u>	<u>NP</u>
<u>Shooting Gallery (within enclosed building)</u>	<u>NP</u>	<u>P</u>	<u>NP</u>
<u>Service Station</u>	<u>NP</u>	<u>P</u>	<u>NP</u>
<u>Bakery</u>	<u>P</u>	<u>P</u>	<u>NP</u>
<u>Book and Stationary Store</u>	<u>P</u>	<u>P</u>	<u>NP</u>

<u>Variety Store</u>	<u>P</u>	<u>P</u>	<u>NP</u>
<u>Florist and Gift Shop</u>	<u>P</u>	<u>P</u>	<u>NP</u>
<u>Grocery Store</u>	<u>P</u>	<u>P</u>	<u>NP</u>
<u>Jewelry Store</u>	<u>P</u>	<u>P</u>	<u>NP</u>
<u>Hardware and Appliance Store</u>	<u>P</u>	<u>P</u>	<u>NP</u>
<u>Furniture store</u>	<u>P</u>	<u>P</u>	<u>NP</u>
<u>Meat Market</u>	<u>P</u>	<u>P</u>	<u>NP</u>
<u>Shoe Store</u>	<u>P</u>	<u>P</u>	<u>NP</u>
<u>Auto and Trailer Store</u>	<u>NP</u>	<u>P</u>	<u>NP</u>
<u>News Stand</u>	<u>P</u>	<u>P</u>	<u>NP</u>
<u>Pawn Shop</u>	<u>P</u>	<u>P</u>	<u>NP</u>
<u>Secondhand Store</u>	<u>P</u>	<u>P</u>	<u>NP</u>
<u>Sports Store</u>	<u>P</u>	<u>P</u>	<u>NP</u>
<u>Bicycle Sales and Service Shop</u>	<u>P</u>	<u>P</u>	<u>NP</u>
<u>Car Wash</u>	<u>P</u>	<u>P</u>	<u>NP</u>
<u>Delicatessen</u>	<u>P</u>	<u>P</u>	<u>NP</u>
<u>Department Store</u>	<u>P</u>	<u>P</u>	<u>NP</u>
<u>Clinics, Medical, Dental and Hospital</u>	<u>NP</u>	<u>P</u>	<u>NP</u>
<u>Greenhouse and Nursery</u>	<u>NP</u>	<u>P</u>	<u>NP</u>
<u>Insurance Agency</u>	<u>P</u>	<u>P</u>	<u>NP</u>
<u>Music Store</u>	<u>P</u>	<u>P</u>	<u>NP</u>
<u>Office Supply, Sales and Service Store</u>	<u>P</u>	<u>P</u>	<u>NP</u>
<u>Pet and Pet supply Store</u>	<u>P</u>	<u>P</u>	<u>NP</u>
<u>Plumbing Store</u>	<u>NP</u>	<u>P</u>	<u>NP</u>
<u>Post Office</u>	<u>NP</u>	<u>NP</u>	<u>P</u>
<u>Real Estate Agency</u>	<u>P</u>	<u>P</u>	<u>NP</u>
<u>Toy Store</u>	<u>P</u>	<u>P</u>	<u>NP</u>
<u>Used Car Lot</u>	<u>NP</u>	<u>P</u>	<u>NP</u>

<u>Bus Terminal</u>	<u>NP</u>	<u>P</u>	<u>NP</u>
<u>Food Processing and Packaging</u>	<u>NP</u>	<u>P</u>	<u>NP</u>
<u>Clothing Manufacturing</u>	<u>NP</u>	<u>P</u>	<u>NP</u>
<u>Blacksmith Shop</u>	<u>NP</u>	<u>P</u>	<u>NP</u>
<u>Machine Shop</u>	<u>NP</u>	<u>P</u>	<u>NP</u>
<u>Tire Recapping Shop</u>	<u>NP</u>	<u>P</u>	<u>NP</u>
<u>Welding Shop</u>	<u>NP</u>	<u>P</u>	<u>NP</u>
<u>Body and Fender Shop</u>	<u>NP</u>	<u>P</u>	<u>NP</u>
<u>Laboratories</u>	<u>NP</u>	<u>P</u>	<u>NP</u>
<u>Lumber and Planing Mills</u>	<u>NP</u>	<u>P</u>	<u>NP</u>
<u>Home Occupation</u>	<u>NP</u>	<u>P</u>	<u>NP</u>
<u>Boat Storage</u>	<u>NP</u>	<u>P</u>	<u>NP</u>

P = Permitted NP = Not Permitted Other uses similar to the above and judged by the Town of Big Water Planning and Zoning Board to be in harmony with the character and intent of the commercial zones. (See BWZC _____)

SECTION 15: **AMENDMENT** “15.42.010 Definitions” of the Big Water Zoning Code is hereby *amended as follows:*

15.42.010 Definitions

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

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

products referred to as malt liquor, malted beverages or malt coolers.

- 6. **Board of Adjustment** – The Big Water Town Board of Adjustment.
- 7. **Building** – Any structure used or intended for supporting or sheltering any use or occupancy.
- 8. **Building, Height of** – As provided by the Building Code, as adopted by Big Water Town.
- 9. **Building Permit** – Written permission issued by the Big Water Town Zoning Administrator for the construction, repair, alteration, or addition to a structure.
- 10. **Building, Principal** – The primary building or one of the primary buildings upon a lot.
- 11. **Building, Public** – A building owned and/or operated or owned and intended to be operated by a public agency of the United States, the State of Utah, County of Kane, Town of Big Water, or any of its subdivisions.
- 12. **Carport** – A private garage not completely enclosed by walls or doors. A carport is subject to all the regulation prescribed herein for a private garage.
- 13. **Child** – A person 18 years of age, or younger.
- 14. Commercial Temporary Structures - a temporary structure intended for outdoor use for a limited time, not to exceed ONE HUNDRED SEVENTY-NINE (179) days in any rolling twelve-month (12) period, in a commercial zone.
- 15. **Conditional Use** – A use of land for which a Conditional Use Permit is required pursuant to this Ordinance.
- 16. **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.
- 17. **Commission** – The Big Water Town Planning and Zoning Commission.
- 18. **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.
- 19. **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.
- 20. **Domestic Livestock** – 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.
- 21. **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.
- 22. **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.

23. **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.

24. **Floor Area** – The area obtained by multiplying the outside length by the outside width of a building.

25. **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.

26. **Foundation** – Concrete footing built to Uniform Building Code.

27. **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.

28. **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.

- Natural Grade – undisturbed soil, none has been added.
- Existing grade – refers to grade at time of construction, when the property was bought. It may be the natural grade or below it.
- Finished grade – refers to the level of the soil when the structure is finished.

29. **Landscaping** – To add vegetative materials to a lot or area.

30. **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.

31. **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.

32. **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.

33. **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.

34. **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.

35. **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.

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

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

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

39. **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.

40. **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.

41. **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.

42. **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.

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

44. **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.

45. **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.

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

47. **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).

48. **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.

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

50. **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.

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

52. **Pier** – A support structure between the ground and the sub-framing of a constructed or manufactured unit, according to the Building Code.

53. **Principal Building** – The primary building or one of the primary buildings upon a lot.

54. **Principal Use** – The primary or predominant use of any lot or parcel.

55. **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.

56. **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.

57. **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.

58. **Sign, Advertising** – A sign that directs attention to a use conducted, product or commodity, or service related to the premises.

59. **Sign, Business** – A sign that directs attention to a use conducted, product or commodity sold, or service performed upon the premises.

60. **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.

61. **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.

62. **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.

63. **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.

64. **Sign, Temporary** – Any sign or advertising display intended to be displayed for no

more than 60 days.

65. **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.

66. **Story** – As provided by the Uniform Building Code, as adopted by Big Water Town.

67. **Story, Half** – As provided by the Uniform Building Code, as adopted by Big Water Town.

68. **Street** – Any thoroughfare or public way not less than 16 feet in width.

69. **Structure** – A building of any kind or any piece of work artificially built up or composed of parts joined together in some definite manner.

70. **Structural Alterations** – Any change in supporting member of a building, such as bearing walls, columns, beams, or girders.

71. **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.

72. **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.

73. **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.

74. **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.

75. **Zone (Zoning District)** – An area of Big Water Town as established and defined herein and illustrated on the Big Water Zoning Districts Map.

76. **Zoning Administrator** – The person designated by the Town Council to carry out the administrative responsibilities of this Ordinance and the Subdivision Ordinance.

77. **Zoning Map** – The adopted Zoning Districts Map of Big Water Town.

SECTION 16: ADOPTION “15.25 INDUSTRIAL ZONES SUPPLEMENTARY DEVELOPMENT STANDARDS” of the Big Water Zoning Code is hereby *added* as follows:

ADOPTION

15.25 INDUSTRIAL ZONES SUPPLEMENTARY DEVELOPMENT STANDARDS(*Added*)

SECTION 17: ADOPTION “15.25.010 Purpose” of the Big Water Zoning Code is hereby *added* as follows:

ADOPTION

15.25.010 Purpose(*Added*)

The purpose of the Industrial Zones is to provide locations where light and heavy industrial activities may be established, maintained, and operated in a manner compatible with surrounding land uses. These regulations are intended to: 1. Support the economic development goals of the Town of Big Water by providing areas for manufacturing, fabrication, distribution, warehousing, service trades, construction industries, and associated services. 2. Ensure that industrial uses do not create adverse impacts on public health, safety, or welfare. 3. Establish appropriate transitions and buffers between industrial and non-industrial zones, especially residential areas and the downtown corridor. 4. Encourage high-quality site design that reflects the community's visual character while recognizing the functional needs of industrial operations. 5. Minimize traffic conflicts through coordinated access, shared driveways, and safe circulation patterns. 6. Ensure adequate screening, landscaping, and performance standards for noise, odor, dust, glare, and other impacts.

SECTION 18: **ADOPTION** “15.25.020 Definitions” of the Big Water Zoning Code is hereby *added* as follows:

15.25.020 Definitions(*Added*)

For the purposes of this chapter:

- Light Industrial Use means manufacturing, processing, storage, or assembly operations that do not produce excessive noise, vibration, odor, glare, or hazardous byproducts and that can operate safely near commercial uses.
- Heavy Industrial Use means manufacturing or industrial operations that may produce greater noise, vibration, odor, dust, glare, or hazardous byproducts, or that require large areas or specialized infrastructure.
- Outdoor Storage means the keeping of materials, equipment, vehicles, or inventory in any uncovered area for more than 72 hours.
- Performance Standards refer to measurable limits on noise, vibration, odor, particulate matter, glare, lighting, and other operational characteristics.

SECTION 19: ADOPTION “15.25.030 Industrial Zones And Purpose Statements” of the Big Water Zoning Code is hereby *added* as follows:

ADOPTION

15.25.030 Industrial Zones And Purpose Statements(*Added*)

A. I-1 Light Industrial Zone The I-1 Light Industrial Zone is intended for low-impact industrial, service-industrial, and commercial-industrial activities compatible with nearby commercial areas and major roadways. Typical uses include research, manufacturing of small products, artisan fabrication, repair services, warehousing, and contractor shops. This zone serves as a transition between heavier industrial activity and commercial / residential districts.

B. I-2 Heavy Industrial Zone The I-2 Heavy Industrial Zone is intended to accommodate more intensive industrial uses, including manufacturing, processing, large-scale storage, fabrication, energy uses, and operations that may involve noise, vibration, large equipment, or heavy truck activity. The I-2 Zone includes uses not allowed in any other zone and is required to meet all performance and screening standards in this chapter.

SECTION 20: ADOPTION “15.25.040 Permitted And Conditional Uses” of the Big Water Zoning Code is hereby *added* as follows:

ADOPTION

15.25.040 Permitted And Conditional Uses(*Added*)

(Use columns follow the same “P / C / NP” style used in your Commercial Use Chart.)

A USE TABLE

Industrial Use Category	I-1	I-2
Light manufacturing, assembly, fabrication	P	P
Heavy manufacturing	C	P
Research and development facilities	P	P
Warehousing and distribution centers	P	P
Wholesale trade	P	P
Contractor offices and yards	P	P

<u>Equipment rental and service</u>	P	P
<u>Fabrication shops / machine shops</u>	P	P
<u>Welding, metalwork, blacksmithing</u>	P	P

<u>Vehicle repair (including heavy equipment)</u>	P	P
<u>Truck terminals / freight yards</u>	C	P
<u>Outdoor storage yards</u>	P	P
<u>Lumberyards, planing mills</u>	C	P
<u>Concrete or asphalt batch plants</u>	NP	C
<u>Salvage yards / recycling facilities</u>	NP	C
<u>Hazardous materials storage</u>	C	C
<u>Energy generation (solar, wind, small utility)</u>	P	P
<u>Energy generation (combustion, industrial)</u>	NP	C
<u>Food processing</u>	P	P

<u>Large-scale food processing</u>	C	P
<u>Laboratories</u>	P	P
<u>Offices accessory to industrial uses</u>	P	P
<u>Caretaker or security residence</u>	C	C
<u>Retail incidental to industrial use</u>	P	P
<u>Boat Yard</u>	P	P

SECTION 21: ADOPTION “15.25.050 Development Standards” of the Big Water Zoning Code is hereby *added* as follows:

ADOPTION

15.25.050 Development Standards(*Added*)

A. Minimum Lot Area • I-1: 10,000 sq ft • I-2: 20,000 sq ft (larger sites encouraged)

B. Setbacks

Location	I-1	I-2
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Front	20 ft (may be reduced to 10 ft with landscaping)	30 ft
Side	10 ft	15 ft
Rear	10 ft	20 ft

C. When Industrial Abuts Residential • Side: 30 ft minimum • Rear: 40 ft minimum • Mandatory landscaped buffer • 8 ft screening fence or wall D. Building Height • I-1: 45 ft • I-2: 60 ft Higher by conditional use only with Fire Chief and Town Engineer approval. E. Lot Coverage • I-1: 60% • I-2: 70%

SECTION 22: ADOPTION “15.25.060 Performance Standards” of the Big Water Zoning Code is hereby *added* as follows:

15.25.060 Performance Standards(*Added*)

(All industrial operations shall comply with the following.) A. Noise • Shall not exceed 65 dBA at any property line adjacent to non-industrial zones. • Occasional short-term noise above this level allowed only between 7 a.m. and 7 p.m. B. Odor • No detectable objectionable odors at or beyond the property line. C. Vibration • Shall not be perceptible at neighboring residential or commercial property lines. D. Airborne Particulates • Dust, smoke, and particulates shall comply with state and federal standards • Dust control required for all yards and outdoor storage. E. Glare & Lighting • Full cutoff shielding required. • No light spillover above 0.5 foot-candles at property line. F. Hazardous Materials • Must comply with State Fire Code, DEQ, and all applicable federal regulations. • A Hazardous Materials Management Plan may be required.

SECTION 23: ADOPTION “15.25.070 Outdoor Storage And Screening” of the Big Water Zoning Code is hereby *added* as follows:

ADOPTION

15.25.070 Outdoor Storage And Screening(*Added*)

1. Outdoor storage must be screened from public streets and non-industrial zones. 2. Screening shall be:

o 8 ft solid wall or metal panel fence o Or berm with vegetation

3. Storage may not exceed the height of the screening structure. 4. No storage allowed in required setback areas. 5. Outdoor equipment or materials must be maintained in orderly fashion.

SECTION 24: **ADOPTION** “15.25.080 Access, Circulation and Parking” of the Big Water Zoning Code is hereby *added* as follows:

ADOPTION

15.25.080 Access, Circulation and Parking(*Added*)

1. Shared driveways encouraged to reduce highway access points. 2. Truck circulation routes must be shown in site plan review. 3. Loading docks shall be located at the rear or side of buildings. 4. Passenger vehicles shall be separated from truck circulation whenever feasible. 5. Parking standards follow Chapter 15.20.070 unless otherwise specified.

SECTION 25: **ADOPTION** “15.25.090 Landscaping Standards” of the Big Water Zoning Code is hereby *added* as follows:

ADOPTION

15.25.090 Landscaping Standards(*Added*)

1. Minimum of 10% of site must be landscaped in I-1; 5% in I-2. 2. Landscaping required along street frontages and buffering zones. 3. Xeriscape and native plant species encouraged. 4. Street trees required at 40–60 ft spacing along public rights-of-way.

SECTION 26: **ADOPTION** “15.25.100 Architectural And Site Design Standards” of the Big Water Zoning Code is hereby *added* as follows:

ADOPTION

15.25.100 Architectural And Site Design Standards(*Added*)

(Scaled to industrial needs while maintaining Big Water’s character.) 1. No reflective or high-gloss metal as primary façade material. 2. Buildings visible from Hwy-89 shall include façade articulation through:

o Varying rooflines o Material changes o Color variation o Structural modulation

3. Large blank walls exceeding 100 ft require breaks, windows, or architectural panels. 4. Earth-tone color palette required; fluorescent colors prohibited. 5. Offices or customer-facing portions should be located near the street for visual quality.

SECTION 27: **ADOPTION** “15.25.110 Fencing Standards” of the Big Water Zoning Code is hereby *added* as follows:

ADOPTION

15.25.110 Fencing Standards(*Added*)

1. Chain-link allowed only with slats or obscuring fabric when visible from public streets. 2. Barbed wire permitted only atop security fences, minimum height 7 ft, in rear yards only. 3. Fences adjacent to residential zones must be solid.

SECTION 28: **ADOPTION** “15.25.120 Site Plan Review Required” of the Big Water Zoning Code is hereby *added* as follows:

ADOPTION

15.25.120 Site Plan Review Required(*Added*)

All new industrial development or expansion requires site plan review under Chapter 15.26

Site Plan Review and approval by the Planning & Zoning Board.

SECTION 29: ADOPTION “15.25.130 Non Conforming Industrial Uses” of the Big Water Zoning Code is hereby *added* as follows:

ADOPTION

15.25.130 Non Conforming Industrial Uses(*Added*)

Existing lawful industrial uses may continue as nonconforming uses subject to Title 15's general nonconformity provisions.

PASSED AND ADOPTED BY THE BIG WATER TOWN COUNCIL

Mayor David Schmuker

Council member Jim Lybarger

Council member Luke McConville

Council member Jennie Lassen

Council member Tara Chiasson

Presiding Officer

NAY ABSENT ABSTAIN

NAY

ABSENT

ABSTAIN

David W. Schmuker, Mayor, Big Water Town

Stephanie Burkett, Clerk, Big Water
Town