

**BIG WATER TOWN  
ORDINANCE 03-2026**

**AN ORDINANCE AMENDING SECTION 15.24.030 OF THE BIG WATER  
MUNICIPAL CODE REGARDING AUTHORITY TO GRANT TIME  
EXTENSIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN  
EFFECTIVE DATE**

**WHEREAS**, the Town of Big Water is a municipal corporation organized and existing under the laws of the State of Utah; and

**WHEREAS**, pursuant to Utah Code Title 10, including the Municipal Land Use, Development, and Management Act (MLUDMA), the Town Council is authorized to adopt and amend land use regulations; and

**WHEREAS**, the current code assigns authority to the Town Council, upon recommendation of the Planning and Zoning Commission, to grant extensions of certain time limits based on extenuating circumstances; and

**WHEREAS**, the Town Council finds that delegating such authority to the Planning and Zoning Administrator will improve administrative efficiency, streamline decision-making, and reduce unnecessary delays; and

**WHEREAS**, the Planning and Zoning Commission has reviewed the proposed amendment and provided a recommendation to the Town Council following a duly noticed public hearing; and

**WHEREAS**, the Town Council finds that the proposed amendment is in the best interest of the public health, safety, and welfare of the residents 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** “15.24.030 Accessory Building Requirements” of the Big Water Zoning Code is hereby *amended* as follows:

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

**15.24.030 Accessory Building Requirements**

In addition to the requirements for accessory buildings, as provided by Table 2 and Table 3, all Accessory Buildings and Structures shall comply with the following;

1. No accessory building or group of accessory buildings in any RE-2 Zoning District

- shall cover more than twenty five percent (25%) of the rear yard.
2. In any RE-2 Zoning District no garage or accessory building shall be erected with a total floor area greater than the residence to which it is accessory.
  3. In any RE-2 or RE-1 Zoning District no permit for the construction of an accessory building shall be issued unless a permit for the construction of the associated main dwelling has been issued or is being issued simultaneously or a legally existing principal structure already exists.
  4. In any RE-1 Zoning District, a property owner who has obtained a permit for the construction of a principal structure as required by (3) above and elects to construct the accessory building first, the time limit to commence construction of the principal structure shall be extended from 180 days to 365 days without penalty. Thereafter, upon written application by the permit holder, the Planning and Zoning Administrator ~~Town Council~~ may extend the time limit based on presentation of evidence ~~demonstrating and acceptance by the Town Council of~~ extenuating circumstances, ~~and recommendation by the Planning and Zoning Commission for a period~~ Any such extension shall not ~~to~~ exceed one year.

PASSED AND ADOPTED BY THE BIG WATER TOWN COUNCIL

|                                | <b>AYE</b> | <b>NAY</b> | <b>ABSENT</b> | <b>ABSTAIN</b> |
|--------------------------------|------------|------------|---------------|----------------|
| Mayor David Schmuker           | _____      | _____      | _____         | _____          |
| Council member Jim Lybarger    | _____      | _____      | _____         | _____          |
| Council member Luke McConville | _____      | _____      | _____         | _____          |
| Council member Jennie Lassen   | _____      | _____      | _____         | _____          |
| Council member Tara Chiasson   | _____      | _____      | _____         | _____          |

Presiding Officer

Attest

\_\_\_\_\_  
David W. Schmuker, Mayor, Big  
Water Town

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Abigail Palsgrove, Clerk, Big Water  
Town