

**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**

**7:00 PM PUBLIC HEARING**

**7:02 PM MEETING**

**March 2, 2026**

**6:00 PM WORK SESSION**

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

**7:00 PM PUBLIC HEARING – Amending Zoning Code 15.24.030 Amending Authority to Grant Extensions**

(3)

**7:01 PM PUBLIC HEARING – Amending Zoning Code 15.10.160 , 15.10.160 Lot**

(4)

**Line Adjustment and Parcel Joinders; Municipal Code 14.20.020, 14.20.030 Lot Line Adjustment and Parcel Joinders**

**7:02 PM MEETING**

1. CALL TO ORDER –
2. ROLL CALL –
3. APPROVAL OR AMENDMENT OF AGENDA-
4. APPROVAL OF FEBRUARY 2026 MINUTES –.
5. CONFLICT STATEMENT –
6. ADMINISTRATOR COMMENTS –
7. CITIZEN COMMENTS –

(5-6)

**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 Amending Table of Uses –**

**E Discussion and Possible Action on Land Use Ordinance –**

**F) Discussion and Possible Action on Timeshare and Camp Resort Act –**

**G) 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) -**

(7-17)

**H) 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) –**

(18-23)

**I) Discussion on Residential Setback Requirements-**

**9. NEW BUSINESS-**

**A) Discussion and Possible Action on Creating a Zoning Overlay Map to Accompany Ordinance 02-2026 for COMMERCIAL AND INDUSTRIAL ZONES SUPPLEMENTARY DEVELOPMENTAL STANDARDS per Town Council's Request -**

**B) Discussion and Possible Action on Ordinance 03-2026 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 -**

24-25

**10. FINAL CITIZEN COMMENTS-**

**11. FINAL COMMENTS -**

**12. ADJOURNMENT-**

# Planning and Zoning Commission of Big Water Town

## NOTICE OF PUBLIC HEARING

Notice is hereby given that on  
Wednesday, March 18, 2026 7:00 pm UT at Big Water Town  
Hall located at  
60 N Aaron Burr, Big Water, Utah,  
Big Water Municipal

will hold a public hearing to:

- **Proposed Land Use Code Amendment to Code 15.24.030  
Amending Authority to Grant Extensions**

**The amendment would transfer authority to grant extensions of time, upon written request and demonstration of extenuating circumstances, from the Town Council (with recommendation from the Planning and Zoning Commission) to the Planning and Zoning Administrator, for a period not to exceed one (1) year.**

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

# Planning and Zoning Commission of Big Water Town

## NOTICE OF PUBLIC HEARING

Notice is hereby given that on

Wednesday, March 18, 2026 7:01 pm UT at Big Water Town  
Hall located at

60 N Aaron Burr, Big Water, Utah,

Big Water Municipal

will hold a public hearing to:

- **Proposed Land Use Code Amendment to AMENDING ZONING CODE 15.10.160 PROCEDURES FOR LOT LINE ADJUSTMENTS AND 15.10.150 STANDARDS AND REQUIREMENTS FOR PARCEL JOINDER (LOT CONSOLIDATION) ; and**
- **AMENDING MUNICIPAL CODE 14.20.030 LOT LINE ADJUSTMENTS WITHIN A RECORDED PLAT AND 14.20.020 PARCEL JOINDER (LOT CONSOLIDATION)**

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

(4)

**BIG WATER PLANNING AND ZONING COMMISSION**  
**Big Water Town Hall, 60 Aaron Burr, Big Water, Utah 84741**

**DRAFT MINUTES**

**6:00 PM WORK SESSION**

**7:00 PM MEETING**

**February 2, 2026**

**6:00 PM WORK SESSION**

**1. Call to Order:** At 6:14 PM

**2. Discuss Meeting Agenda Items-**

Commercial Zoning Districts (C1, C2, C3) Discussed that C1 is intended for downtown-oriented uses such as restaurants, retail, and tourism-oriented businesses. C2 accommodates heavier commercial uses and most existing commercial businesses. C3 is intended primarily for government facilities, such as City Hall, fire stations, parks, and other public facilities.

Boat Storage and Boat Yard Uses: The Commission identified that boat storage, a major industry in Big Water, was not clearly defined or listed in the commercial Table of Permitted Uses. Concern was raised that, as currently written, boat storage could be unintentionally classified as industrial, which would require rezoning existing businesses. The Commission discussed the distinction between: Boat storage facilities (indoor or outdoor storage) and Boat yards (repair, maintenance, outdoor work, noise-generating activities)

Outdoor Storage and Nuisance Provisions: The Commission reviewed Section 15.23.070 – Special Regulations, particularly regarding outdoor storage and nuisance conditions. Concerns were raised regarding ambiguity in determining what constitutes “decorative” versus “junk” materials. The discussion included registered vehicles versus abandoned or dismantled vehicles, applicability to boats and maritime vessels, particularly when visible from public streets and enforcement practicality using registration status rather than operability

Fencing Standards: Chain-link fencing is restricted primarily in C3. C2 remains more flexible. There was a discussion focused on affordable screening options.

Commercial Design Standards (Section K): The Commission reviewed commercial design standards requiring town-approved materials and aesthetic themes. Concerns were raised about overreach into C2 and industrial-type commercial buildings.

Industrial Zoning Draft Review: A draft Industrial Zoning (I-1 and I-2) section was reviewed. The draft was described as a rough working draft modeled loosely after Kanab’s code. The Commission discussed how industrial zoning could support future growth while protecting residential and commercial areas.

Residential Zone Renaming and Overlays: The Commission reviewed proposed renaming of residential zones to simplify and clarify: Existing RE and R zones would be renamed R1 through R4 and Mixed Use Zone would be replaced with: Residential Overlay

**3. Adjourn – at 7:07 PM**

**7:00 PM MEETING**

**1. CALL TO ORDER – 7:07 PM**

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**2. ROLL CALL** – Robert Wilkes, Jack Brisbin, Mark Burkett and Wryht Short; Absent Nicole Wood

**3. APPROVAL OR AMENDMENT OF AGENDA**- Motion to approve the agenda made by Wryht Short and seconded by Jack Brisbin. All in favor.

**4. APPROVAL OF JANUARY 2026 MINUTES** – Motion to approve the January minutes made by Mark Burkett and seconded by Wryht Short. All in favor.

**5. CONFLICT STATEMENT** – none

**6. ADMINISTRATOR COMMENTS** – Not present.

**7. CITIZEN COMMENTS** – Tom Raneau: The definition and intent of C3 Commercial Zones, Clarification of the term “traveling public”, Suggested flexibility for certain commercial uses across multiple zones, Clarification that lodges and social clubs should be permitted in C2, not C1. The Commission acknowledged the concerns. Clarified that C3 is primarily intended for government and public facilities. Noted that the social club/lodge issue was a known typographical error and would be corrected.

**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**– Motion to approve and send to Town Council with edits and revisions that we discussed made by Wryht Short and seconded by Jack Brisbin. All in favor.

**E) Discussion and Possible Action on Amending Table of Uses** – Motion that we accept the amended table of uses with typos and corrections as previously discussed made by Mark Burkett and seconded by Wryht Short. All in favor.

**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 Amending Municipal Code 14.20.030 Lot Line Adjustments Within a Recorded Plan and 14.20.020 Parcel Joinder (Lot Consolidation)** – Tabled

**I) Discussion and possible Action on Amending Zoning Code 15.10.160 Procedures for Lot Line Adjustments and 15.10.150 Standards and Requirements for Parcel Joinder (Lot Consolidation)** – Tabled

**J) Discussion on Residential Setback Requirements**- Tabled

**9. NEW BUSINESS–**

**10. FINAL CITIZEN COMMENTS**- none

**11. FINAL COMMENTS** –

**12. ADJOURNMENT**– Motion to adjourn made by Mark Burkett and seconded by Wryht Short. All in favor. 7:25 PM

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**BIG WATER TOWN  
ORDINANCE 05-2025**

**AN ORDINANCE AMENDING MUNICIPAL CODE 14.20.030 LOT LINE  
ADJUSTMENTS WITHIN A RECORDED PLAT AND 14.20.020 PARCEL  
JOINER (LOT CONSOLIDATION) WITHIN THE TOWN OF BIG WATER,  
KANE COUNTY, UTAH**

**WHEREAS**, the Town of Big Water finds it necessary to clarify and amend procedures and requirements related to lot line adjustments and parcel joiners to better serve property owners, ensure consistency with Utah Code Title 10, Chapter 9a, and protect the orderly development of land within the municipality; and

**WHEREAS**, the proposed amendments are in the interest of the public health, safety, and welfare and are consistent with the adopted General Plan of the Town of Big Water; and

**WHEREAS**, er providing public notice as required by law, the Planning and Zoning Commission held a duly noticed public hearing on March 2, 2026, received public comment, and recommended approval of the proposed amendments to the Town Council; and

**WHEREAS**, the Town Council has reviewed the recommendation of the Planning and Zoning Commission and finds the amendments appropriate and in the best interest of the Town;

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

**SECTION 1:****AMENDMENT** “14.20.030 Lot Line Adjustments Within An Recorded Plat” of the Big Water Municipal Code is hereby *amended* as follows:

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

**14.20.030 Lot Line Adjustments Within An Recorded Plat**

In accordance with Big Water Zoning Ordinance (2004-235, adopted, December 21, 2004, amended April 20, \_\_\_\_\_ 2009, *Chapter 15.10 Development Applications and Procedures, Section 15.10.160 Procedure for a Lot Line Adjustment*) and § 10-9a-103 (subsections 24, 44) and § 17-27a-103 (subsections 28, 48) Definitions, Utah Code (Amended 2008), petitions to adjust lot lines (mutual boundary) between adjoining properties may be executed upon the recordation of an appropriate deed with the consent of the owners' of record.

1. The applicants must complete and submit to the Zoning Administrator a Big Water Lot Line Adjustment Request form to include:

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- a. property owners' names;
  - b. date;
  - c. owners' addresses, phone/cell/fax numbers, city, state, Zip code;
  - d. name, location (lot #s, block(s), section(s)) and legal descriptions);
  - e. reason for lot line adjustment request;
  - f. paid tax statement for the current year.
  - g. certification to conform to Big Water ordinances.
  - h. names and addresses of all property owners adjacent to the lots in question.
2. Applicants must prove that:
    - a. no new dwelling lot or housing unit results from the lot line adjustment;
    - b. that all adjoining property owners consent to the lot line adjustment;
    - c. the lot line adjustment does not result in a remnant piece of land that did not exist previously; and
    - d. the lot line adjustment does not result in the violation of any applicable zoning district requirements.
  3. Applicants must provide a title report, by a licensed Title Company, for the properties proposed for Lot Line Adjustment with the application.
  4. Applicants must submit a revised (final) plat, prepared by a licensed land surveyor. The plat shall be prepared in pen and all sheets shall be numbered. The plat shall be drawn on reproducible Mylar. A minimum of ~~six (6)~~ ~~twelve (12)~~ paper (8 ½" x 11") copies shall be presented to the Town Clerk with the formal request form. The revised plat shall contain Signature blocks for the dated signature of the ~~Zoning Administrator, Surveyor, County Recorder, and Land Use Authority Mayor, Planning Commission Chair, and Town Attorney.~~
  5. Applicant must pay the applicable Lot Line Adjustment fees to the Town Clerk in accordance with the current Big Water Rates and Fees for Municipal Services schedule.
  6. The Zoning Administrator shall ensure that notice is given to all adjoining property owners, pursuant to local ordinance.
  7. After the Lot Line Assessment request and plat are acknowledged, approved and certified by the Zoning Administrator, the owners shall, within one year, record the appropriate deed in the Kane County recorder's office.
  8. The County Recorder shall ensure the requirements of this Section are met. The Kane County Recorder may request a review of the materials presented for a Lot Line Adjustment by the Zoning Administrator prior to recordation.
  9. If any owner of an adjoining property notifies the municipality of his/her objection in writing within ten (10) days of mailed notification or by published notification deadline, the Zoning Administrator will set an agenda item for the next Planning and Zoning public meeting. The Applicants, or his/her/their authorized agent(s), must be present. If they are not present, the application will be tabled. (Please see Big Water Zoning Ordinance, Section 15.10.150(7-10), or Big Water Subdivision Ordinance, Section 14.20.020(7-10), for the required additional processes.)

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**SECTION 2:            AMENDMENT** “14.20.020 Parcel Joinder (Lot Consolidation)” of the Big Water Municipal Code is hereby *amended* as follows:

**AMENDMENT**

**14.20.020 Parcel Joinder (Lot Consolidation)**

The Big Water Town Council may, upon recommendation by the Planning and Zoning Commission, consider the joining of two, or more, contiguous parcels (lots), following and complying with all the requirements for parcel joinder as identified in the Big Water Zoning Ordinance (2004-236, adopted 12-21-2004, *Chapter 15.10 Development Applications and Procedures, Section 15.10.150 Standards and Requirements for Parcel Joinder (Lot Consolidation)*, amended April 20, \_\_\_\_\_, 2009) and at § 10-9a-103, Utah Code Annotated, 1953, as amended (2008), § 10-9a-608 et seq., Utah Code (Amended 2006), and consistent with the requirements of § 10-9a-609, Utah Code (Amended 2007).

1. A parcel joinder (lot consolidation) means:
  - a. revising the legal description of more than one contiguous unsubdivided parcel of property into one legal description encompassing all such parcels of property; or
  - b. joining a subdivided parcel of property to another parcel of property that has not been subdivided, if the joinder does not violate applicable land use/subdivision ordinances.
2. The joining of a subdivided parcel of property to another parcel of property that has not been subdivided does not constitute a subdivision under Subsection (44) as to the unsubdivided parcel of property or subject the unsubdivided parcel to the municipality's subdivision ordinance. (Utah Code § 10-9a-103 Definitions, Amended by Chapter 19, Chapter 112, Chapter 326 and Chapter 360, 2008)
3. Any fee owner, as shown on the last county assessment rolls, of land within the subdivision that has been laid out and platted as provided in this part may, in writing, petition Planning and Zoning to have the plat altered, or amended.
4. The following requirements must be met and accepted by the Zoning Administrator, prior to securing a Parcel Joinder meeting with and recommendation from Planning and Zoning to Town Council.
  - a. Applicant must be the title owner of said property or have written/certified power of attorney to act on behalf of the owner.
  - b. Applicant must submit a completed Big Water Parcel Joinder (Lot Consolidation) Request form to include:
    - i. property owner's name;
    - ii. date;
    - iii. address, phone, cell phone, fax, city, state, Zip code;
    - iv. name, location (lot#, block, section, subdivision platted name) and legal description of subdivision plat;

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- v. reason for parcel joinder request;
  - vi. certification to conform to Big Water ordinances.
- c. Applicant must submit a revised (final) plat, prepared by a licensed land surveyor. The plat shall be prepared in pen and all sheets shall be numbered. The plat shall be drawn on reproducible Mylar. A minimum of ~~six~~<sup>six</sup>~~twelve~~ (6+2) paper (8 ½" x 11") copies shall be presented to the Town Clerk with the formal request form. The revised plat shall contain Signature blocks for the dated signatures of the ~~Mayor, Planning Commission Chair, Town Engineer, Surveyor, County Recorder, and Land Use Authority~~ and ~~Town Attorney~~. (See Section 14.08.020 of the Big Water Subdivision Ordinance)
  - d. Applicant must provide the names and addresses of all property owners in said plat/subdivision within 500 feet of joinder properties.
  - e. Applicant must provide paid tax statement for the current year.
  - f. Applicant must pay the applicable parcel joinder fees to the Town Clerk in accordance with the current Big Water Rates and Fees for Municipal Services schedule. Applicant also is responsible for any other applicable fees, e.g., engineering review, title search, recording fee.
  - g. Applicant must provide a title report, by a licensed Title Company, for the properties proposed for parcel joinder with the application .
  - h. Applicant or authorized agent must be present for public meeting at which parcel joinder is an agenda item, or the application will be tabled.
5. An incomplete application will not be scheduled for a Planning & Zoning Commission public meeting agenda.
  6. The Zoning Administrator shall ensure that notice is given to all affected property owners within 500 feet of joinder properties, pursuant to local ordinance.
  7. The Planning and Zoning Commission shall give its recommendation within 30 days after the proposed parcel joinder request is referred, or as that time period is extended by agreement with the applicant. (Utah Code § 10-9a-608 et seq., (2)(a)(ii), Amended 2006)
  8. Town Council will make its decision within 45 days after the petition is filed or, if applicable, within 45 days after receipt of the planning commission's recommendation.
  9. Town Council shall hold a public hearing (§ 10-9a-207, et seq., Utah Code Amended 2006, 10-9a-509, et seq., Utah Code Amended 2008, and § 10-9a-608, et seq., Utah Code Amended 2006) if
    - a. any owner within the plat notifies the municipality of his/her objection in writing within ten (10) days of mailed notification or by published notification deadline; or
    - b. if required, all owners in the subdivision have not signed the revised plat; or
    - c. the parcel joinder amends a public street, alley or right-of-way (§ 10-9a-208, Utah Code Amended 2006, and § 10-9a-609.5 et seq., Utah Code Amended 2007); or
    - d. Council finds that a compelling, countervailing public interest would be jeopardized by approving the application (§ 10-9a-509, et seq., Utah Code Amended 2008).

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10. The public hearing requirement (§ 10-9a-207, et seq., Utah Code Amended 2006, § 10-9a-509, et seq., Amended 2008, and § 10-9a-608, et seq., Utah Code Amended 2006), does not apply and Town Council may consider at a public meeting an owner's petition to alter or amend a subdivision plat if:
  - a. the petition seeks to join two or more of an owner's contiguous, residential lots;
  - b. notice has been given pursuant to local ordinance;
  - c. the parcel joinder does not amend a public street or right-of-way (§ 10-9a-208, Utah Code Amended 2006); and
  - d. Council is satisfied that neither the public interest nor any person will be materially injured by the proposed alteration or amendment, and that there is good cause for the alteration or amendment.
11. Town Council may approve the vacation, alteration, or amendment by signing an amended final plat showing the vacation, alteration, or amendment.
12.
  - a. After the plat has been acknowledged, approved and certified, the owner of the land shall, within the time period designated by ordinance, record the plat in the Kane County recorder's office.
  - b. An owner's failure to record a plat within the time period designated by ordinance renders the plat void. (§ 10-9a-603, (5) (a)(b), Utah Code Amended 2008)
13. The Town Council shall ensure that the amended plat showing the vacation, alteration, or amendment is recorded in the office of the county recorder in which the land is located (§ 10-9a-609, et seq., Utah Code Amended 2007) within one year of the certified date of the plat.

**SECTION 3:            AMENDMENT “14.06.020 Preliminary Plat Approval Process” of the Big Water Municipal Code is hereby *amended* as follows:**

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

**14.06.020 Preliminary Plat Approval Process**

After review, the application shall be submitted to the Administrative Land Use Authority for approval.

1. For the Preliminary Plat and Subdivision Improvement Plans, the Administrative Land Use Authority shall be the Planning Commission.
  - a. Legislative approvals, such as zone changes, overlay zones, general plan amendments, annexations, right-of-way vacations, etc., must be approved by the Town

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Council prior to the submission of a Preliminary Plat application.

2. The Administrative Land Use Authority shall hold a public hearing and send a public notice to all owners of property within three hundred feet (300') of the subdivision. 3. If the Administrative Land Use Authority finds that the application complies with the applicable municipal ordinances and the requirements of Utah State Code, it shall approve the Preliminary Plat application.

a. The Administrative Land Use Authority shall remand the application back to the applicant for corrections if it finds:

i. The applicant has not completed all requirements as outlined in the review index or ii. The application does not address all requirements as outlined in state code, and although the item was not addressed in the first review, the requirement relates directly to public health and safety.

b. The Administrative Land Use Authority shall deny the application if the applicant is unwilling to make the required corrections or provide the required information.

4. The application approval shall lapse in instances where a developer abandons or otherwise fails to take timely action to address corrections or complete a project.

a. A Preliminary Plat application expires if it is not approved by the Town within one (1) year from the time the application is submitted and accepted. b. Approval of the Preliminary Plat by the Town shall be valid for a period of one (1) year after approval.

**SECTION 4: AMENDMENT "14.22.070 Review And Approval Process"**  
of the Big Water Municipal Code is hereby *amended* as follows:

#### AMENDMENT

##### 14.22.070 Review And Approval Process

The intent is to provide timely review and approval of all complete applications, as follows:

1. **Optional Pre-Application Meeting:** An applicant may request to meet with Town staff and/or representatives prior to submittal to review the application and requirements.
2. **Preliminary Review:** The applicant shall submit the application and all required contents. The Town will check the application for completeness. If all materials have not been submitted, the application shall be returned to the applicant until all required contents are included.
3. **Administrative Review:** Once the application is deemed to be complete, the

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Town will review the application to ensure that all information has been included and that the application meets all requirements. If all the requirements are met, the project shall be forwarded to the Planning Commission for review. 4. Planning Commission Review: The planning Commission shall hold a public hearing on the application. If the Planning Commission determines that the application does not meet all requirements, an applicant may request that the motion be tabled until all requirements are met.

- a. Public notice shall be sent to all properties within one hundred feet (100') of the property, notifying property owners of the time and place of the public hearing and the nature of the request.
- b. If the applicant meets all applicable requirements, the Zoning Administrator~~Planning Commission~~ shall approve the simple subdivision application. If the applicant is unable or unwilling to meet all applicable requirements, the Zoning Administrator~~Planning Commission~~ shall deny the simple subdivision application.

**SECTION 5:** Any references to the provisions amended by this ordinance, as they existed prior to this amendment, appearing elsewhere in the Town Code, adopted policies, administrative procedures, employee handbooks, or other official manuals shall be deemed to refer to the provisions as amended herein. The Town Clerk or authorized codifier is directed to revise any such references throughout the Code, policies, and manuals for consistency and clarity, and to take necessary administrative actions to ensure alignment with this ordinance.

PASSED AND ADOPTED BY THE BIG WATER TOWN COUNCIL

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|                                | <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

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David W. Schmuker, Mayor, Big Water Town

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Abigail Palsgrove, Clerk, Big Water Town

14.

**ORDINANCE NO. 05-2026**

**AN ORDINANCE CLARIFYING THAT TITLE 15 (ZONING CODE) SHALL GOVERN LOT LINE ADJUSTMENTS AND PARCEL JOINDERS; AMENDING TITLE 14 TO PROVIDE CROSS-REFERENCES; ESTABLISHING SUPERSEDING AUTHORITY; AND PROVIDING FOR CONSISTENCY THROUGHOUT THE BIG WATER TOWN CODE**

**WHEREAS**, The Town of Big Water has previously adopted provisions in both Title 14 (Municipal/Subdivision Code) and Title 15 (Zoning Code) governing Lot Line Adjustments and Parcel Joinders (Lot Consolidations); and

**WHEREAS**, duplicative procedural language currently exists in both Titles; and

**WHEREAS**, the Town Council finds that maintaining parallel provisions creates potential ambiguity, inconsistency, and administrative inefficiency; and

**WHEREAS**, the Town Council further finds that consolidating governing authority within Title 15 will promote clarity, uniformity, and compliance with Utah Code Title 10, Chapter 9a; and

**WHEREAS**, the Town desires to establish a single, uniform, and controlling procedural framework for these land use actions;

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF BIG WATER TOWN, UTAH, AS FOLLOWS:**

**SECTION 1. TITLE 15 DECLARED GOVERNING AUTHORITY.**

Title 15 of the Big Water Town Code (Zoning Code), including but not limited to: Section 15.10.160 – Procedures for Lot Line Adjustment; and Section 15.10.150 – Standards and Requirements for Parcel Joinder (Lot Consolidation), shall constitute the exclusive procedural and substantive authority governing: Lot Line Adjustments; and Parcel Joinders (Lot Consolidations), within the Town of Big Water.

Title 15 shall govern all definitions, application requirements, notice requirements, public hearing requirements, approval authority, timelines, recording requirements, and administrative procedures related to these matters.

**SECTION 2. SUPERSEDING AUTHORITY AND CONFLICT RESOLUTION.**

(15)

In the event of any inconsistency, ambiguity, duplication, or perceived conflict between Title 14 and Title 15 of the Big Water Town Code concerning Lot Line Adjustments or Parcel Joinders:

1. Title 15 shall control in all respects.
2. Title 14 provisions shall be deemed subordinate and interpretive only.
3. No procedural right, entitlement, or defense may arise from language previously codified in Title 14 that is inconsistent with Title 15.
4. Any prior inconsistent provision is hereby repealed by implication and superseded to the extent of the inconsistency.
5. The intent of this Ordinance is to ensure a single, uniform, and controlling procedural framework in compliance with Utah Code Title 10-9a.

**SECTION 3. AMENDMENT TO TITLE 14 – REFERENCE PROVISIONS.**

**A. Section 14.20.030 – Lot Line Adjustments Within a Recorded Plat**

Section 14.20.030 is hereby amended to read as follows:

All Lot Line Adjustments within the Town of Big Water shall be processed in accordance with Title 15, Chapter 15.10 of the Big Water Town Code.

Title 15 shall serve as the governing authority for procedures, application requirements, notice requirements, approval authority, timelines, and recording requirements.

This section is intended as a reference provision only.

**B. Section 14.20.020 – Parcel Joinder (Lot Consolidation)**

Section 14.20.020 is hereby amended to read as follows:

All Parcel Joinders (Lot Consolidations) within the Town of Big Water shall be processed in accordance with Title 15, Chapter 15.10 of the Big Water Town Code.

Title 15 shall serve as the governing authority for definitions, procedures, application requirements, notice requirements, approval authority, public hearing requirements, timelines, and recording requirements.

This section is intended as a reference provision only.

**SECTION 4. REPEAL OF DUPLICATIVE LANGUAGE.**

All procedural, application, signature block, hearing, approval, and recording provisions previously codified in Title 14 relating to Lot Line Adjustments and Parcel Joinders are hereby repealed and replaced with cross-references to Title 15.

**SECTION 5. INTERPRETATION AND CODIFICATION.**

The Town Clerk and authorized codifier are directed to:

- Remove duplicative language from Title 14;
- Insert appropriate cross-references to Title 15;
- Correct formatting inconsistencies;
- Update internal citations throughout the Town Code, policies, and administrative materials to reflect Title 15 as the controlling authority; and
- Ensure consistent terminology between Titles 14 and 15.

**SECTION 6. SEVERABILITY.**

If any section, subsection, sentence, clause, or phrase of this Ordinance is held invalid, such decision shall not affect the validity of the remaining portions.

**SECTION 7. EFFECTIVE DATE.**

This Ordinance shall take effect upon passage and publication as required by law.

PASSED and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_ 2026 by the following votes:

**Town of Big**

**Water**

|  | AYE | NAY | ABSENT | ABSTAIN |  |
|--|-----|-----|--------|---------|--|
|--|-----|-----|--------|---------|--|

|                                |       |       |       |       |                                       |
|--------------------------------|-------|-------|-------|-------|---------------------------------------|
| Mayor David Schmuker           | _____ | _____ | _____ | _____ | _____                                 |
| Council Member Jim Lybarger    | _____ | _____ | _____ | _____ | David W. Schmuker, Mayor              |
| Council Member Luke McConville | _____ | _____ | _____ | _____ |                                       |
| Council Member Jennie Lassen   | _____ | _____ | _____ | _____ | Attest: _____                         |
| Council Member Tara Chiasson   | _____ | _____ | _____ | _____ | Abigail Palsgrove,<br>Municipal Clerk |

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**BIG WATER TOWN  
ORDINANCE 04-2026 LOT LINE ADJUSTMENT AMENDMENTS AND PARCEL  
JOINDERS**

**AN ORDINANCE AMENDING ZONING CODE 15.10.160 PROCEDURES FOR  
LOT LINE ADJUSTMENTS AND 15.10.150 STANDARDS AND REQUIREMENTS  
FOR PARCEL JOINDER (LOT CONSOLIDATION) WITHIN THE TOWN OF BIG  
WATER, KANE COUNTY, UTAH**

**WHEREAS**, the Town of Big Water finds it necessary to clarify and amend procedures and requirements related to lot line adjustments and parcel joinders to better serve property owners, ensure consistency with Utah Code Title 10, Chapter 9a, and protect the orderly development of land within the municipality; and

**WHEREAS**, the proposed amendments are in the interest of the public health, safety, and welfare and are consistent with the adopted General Plan of the Town of Big Water; and

**WHEREAS**, after providing public notice as required by law, the Planning and Zoning Commission held a duly noticed public hearing on March 2, 2026, received public comment, and recommended approval of the proposed amendments to the Town Council; and

**WHEREAS**, the Town Council has reviewed the recommendation of the Planning and Zoning Commission and finds the amendments appropriate and in the best interest of the Town;

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

**SECTION 1:        AMENDMENT “15.10.160 Procedures For Lot Line Adjustment” of the Big Water Zoning Code is hereby *amended* as follows:**

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

**15.10.160 Procedures For Lot Line Adjustment**

In accordance with the Town of Big Water, Utah, Subdivision Ordinance (2004-236, adopted 12-21-2004, Vacating or Changing a Subdivision Plat, amended by Municipal Ordinance 2009-258, April 20, 2009) and § 10-9a-103 (subsections 24, 44) and § 17-27a-103 (subsections 28, 48) Definitions Utah Code (Amended 2008), petitions to adjust lot lines (mutual boundary) between adjoining properties may be executed upon the recordation of an appropriate deed with the consent of the owners' of record.

1. The applicants must complete and submit to the Zoning Administrator a Big Water Lot Line Adjustment Request form to include:

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- a. property owners' names;
  - b. date;
  - c. owners' addresses, phone/cell/fax numbers, city, state, Zip code;
  - d. name, location (lot #s, block(s), section(s)) and legal descriptions);
  - e. reason for lot line adjustment request;
  - f. paid tax statement for the current year;
  - g. certification to conform to Big Water ordinances;
  - h. names and addresses of all property owners adjacent to the lots in question.
2. Applicants must prove that:
    - a. no new dwelling lot or housing unit results from the lot line adjustment;
    - b. that all adjoining property owners consent to the lot line adjustment;
    - c. the lot line adjustment does not result in a remnant piece of land that did not exist previously; and
    - d. the lot line adjustment does not result in the violation of any applicable zoning district requirements.
  3. Applicants must provide a title report, by a licensed Title Company, for the properties proposed for Lot Line Adjustment with the application.
  4. Applicants must submit a revised (final) plat, prepared by a licensed land surveyor. The plat shall be prepared in pen and all sheets shall be numbered. The plat shall be drawn on reproducible Mylar. A minimum of ~~six~~ **twelve (12)** paper (8 1/2" x 11") copies shall be presented to the Town Clerk with the formal request form. The revised plat shall contain Signature blocks for the dated signature of the ~~Zoning Administrator, Mayor, Owners, Surveyor, County Recorder, and Land Use Authority, Planning Commission Chair, and Town Attorney.~~
  5. Applicant must pay the applicable Lot Line Adjustment fees to the Town Clerk in accordance with the current Big Water Rates and Fees for Municipal Services schedule.
  6. The Zoning Administrator shall ensure that notice is given to all adjoining property owners, pursuant to local ordinance.
  7. After the Lot Line Assessment request and plat are acknowledged, approved and certified by the Zoning Administrator, the owners shall, within one year, record the appropriate deed in the Kane County recorder's office.
  8. The County Recorder shall ensure the requirements of this Section are met. The Kane County Recorder may request a review of the materials presented for a Lot Line Adjustment by the Zoning Administrator prior to recordation.
  9. If any owner of an adjoining property notifies the municipality of his/her objection in writing within ten (10) days of mailed notification or by published notification deadline, the Zoning Administrator will set **a public hearing, an agenda item for the next Planning and Zoning public meeting.** The Applicants, or his/her/their authorized agent(s), must be present. If they are not present, the application will be tabled. (Please see Section 15.10.150(7-10), for the required additional processes.)

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**SECTION 2:****AMENDMENT** “15.10.150 Standards And Requirements For Parcel Joinder (Lot Consolidation)” of the Big Water Zoning Code is hereby *amended* as follows:

**AMENDMENT**

15.10.150 Standards And Requirements For Parcel Joinder (Lot Consolidation)

~~The Big Water Town Council may, upon recommendation by the Planning and Zoning Commission, consider the joining of two, or more, contiguous parcels (lots).~~ The Zoning Administrator, shall review and decide applications to join two or more contiguous parcels (lots), unless a public hearing is required under this Section, following and complying with all the requirements for vacating or changing a subdivision plat, as identified in the Town of Big Water, Utah, Subdivision Ordinance (2004-236, adopted 12-21-2004, Section 800, amended by Municipal Ordinance 2009-259, April 20, 2009) and at § 10-9a-103, Utah Code Annotated, 1953, as amended (2008), § 10-9a-608 et seq., Utah Code (Amended 2006), and consistent with the requirements of § 10-9a-609 Utah Code (Amended 2007).

1. A parcel joinder (lot consolidation) means:
  - a. revising the legal description of more than one contiguous unsubdivided parcel of property into one legal description encompassing all such parcels of property; or
  - b. joining a subdivided parcel of property to another parcel of property that has not been subdivided, if the joinder does not violate applicable land use/subdivision ordinances.
2. The joining of a subdivided parcel of property to another parcel of property that has not been subdivided does not constitute a subdivision under Subsection (44) as to the unsubdivided parcel of property or subject the unsubdivided parcel to the municipality's subdivision ordinance. (Utah Code § 10-9a-103 Definitions, Amended by Chapter 19, Chapter 112, Chapter 326 and Chapter 360, 2008)
3. Any fee owner, as shown on the last county assessment rolls, of land within the subdivision that has been laid out and platted as provided in this part may, in writing, petition Planning and Zoning to have the plat altered, or amended.
4. The following requirements must be met and accepted by the Zoning Administrator; ~~prior to securing a Parcel Joinder meeting with and recommendation from Planning and Zoning to Town Council.~~ for Parcel Joinder (Lot Consolidation) applications and who is the final approving authority unless a public hearing is required.
  - a. Applicant must be the title owner of said property or have written/certified power of attorney to act on behalf of the owner.
  - b. Applicant must submit a completed Big Water Parcel Joinder (Lot Consolidation) Request form to include:
    - i. property owner's name;
    - ii. date;

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- iii. address, phone, cell phone, fax, city, state, Zip code;
  - iv. name, location (lot #, block, section, subdivision platted name) and legal description of subdivision plat;
  - v. reason for parcel joinder request;
  - vi. certification to conform to Big Water ordinances.
- c. Applicant must submit a revised (final) plat, by a licensed land surveyor. The plat shall be prepared in pen and all sheets shall be numbered. The plat shall be drawn on reproducible Mylar. A minimum of ~~six~~twelve (12) paper (8 1/2" x 11") copies shall be presented to the Town Clerk with the formal request form. The revised plat shall contain Signature blocks for the dated signatures of the ~~Mayor, Planning Commission Chair, Town Engineer, Owners, Surveyor, County Recorder, and Land Use Authority and Town Attorney.~~  
(See Section 14.08.020 of the Big Water Subdivision Ordinance)
  - d. Applicant must provide the names and addresses of all property owners in said plat/subdivision within 500 feet of joinder properties.
  - e. Applicant must provide paid tax statement for the current year.
  - f. Applicant must pay the applicable parcel joinder fees to the Town Clerk in accordance with the current Big Water Rates and Fees for Municipal Services schedule. Applicant also is responsible for any other applicable fees, e.g., engineering review, title search, recording fee.
  - g. Applicant must provide a title report, by a licensed Title Company, for the properties proposed for parcel joinder with the application.
  - h. Applicant or authorized agent must be present for public meeting at which parcel joinder is an agenda item, or the application will be tabled.
5. An incomplete application will not be accepted or scheduled for review by the Zoning Administrator. ~~scheduled for a Planning & Zoning Commission public meeting agenda.~~
  6. The Zoning Administrator shall ensure that notice is given to all affected property owners within 500 feet of joinder properties, pursuant to local ordinance.
  7. ~~The Planning and Zoning Commission shall give its recommendation within 30 days after the proposed parcel joinder request is referred, or as that time period is extended by agreement with the applicant. (Utah Code § 10-9a-608 et seq., (2)(a)(ii), Amended 2006)~~
  8. ~~Town Council will make its decision within 45 days after the petition is filed or, if applicable, within 45 days after receipt of the planning commission's recommendation.~~ The Zoning Administrator will make the final decision within 45 days after the petition is filed, unless a public hearing is required under this Section.
  9. If a public hearing is required under this section, Town Council shall hold a public hearing (§ 10-9a-207, et seq., Utah Code Amended 2006, 10-9a-509, et seq., Utah Code Amended 2008, and § 10-9a-608, et seq., Utah Code Amended 2006) and make the final decision on the parcel joinder application if:
    - a. any owner within the plat notifies the municipality of his/her objection in writing within ten (10) days of mailed notification or by published notification deadline; or

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- b. if required, all owners in the subdivision have not signed the revised plat; or
  - c. the parcel joinder amends a public street, alley or right-of-way (§ 10-9a-208, Utah Code Amended 2006, and § 10-9a-609.5 et seq., Utah Code Amended 2007); or
  - d. Council finds that a compelling, countervailing public interest would be jeopardized by approving the application (§ 10-9a-509, et seq., Utah Code Amended 2008).
10. The public hearing requirement (§ 10-9a-207, et seq., Utah Code Amended 2006, § 10-9a-509, et seq., Amended 2008, and § 10-9a-608, et seq., Utah Code Amended 2006), does not ~~apply~~ and Town Council may consider at a public meeting an owner's petition to alter or amend a subdivision plat if:
- a. the petition seeks to join two or more of an owner's contiguous, residential lots;
  - b. notice has been given pursuant to local ordinance;
  - c. the parcel joinder does not amend a public street or right-of-way (§ 10-9a-208, Utah Code Amended 2006); and
  - d. Council is satisfied that neither the public interest nor any person will be materially injured by the proposed alteration or amendment, and that there is good cause for the alteration or amendment.
11. ~~Town Council may approve the vacation, alteration, or amendment by signing an amended final plat showing the vacation, alteration, or amendment. Upon approval by the Zoning Administrator, after a required public hearing, an amended final plat shall be signed by the Land Use Authority, County Recorder and Surveyor and then recorded in the county recorder's office.~~
12. After the plat has been acknowledged, approved and certified, the owner of the of land shall, within the time period designated by ordinance, record the plat in the Kane County recorder's office.
- a. An owner's failure to record a plat within the time period designated by ordinance renders the plat void. (§ 10-9a-603, (5)(a)(b), Utah Code Amended 2008)
13. The Zoning Administrator may verify~~Town Council shall ensure~~ that the amended plat showing the vacation, alteration, or amendment is recorded in the office of the county recorder in which the land is located (§ 10-9a-609, et seq., Utah Code Amended 2007) within one year of the certified date of the plat.

**SECTION 3: INTERPRETATIVE CLAUSE** Any references to the provisions amended by this ordinance, as they existed prior to this amendment, appearing elsewhere in the Town Code, adopted policies, administrative procedures, employee handbooks, or other official manuals shall be deemed to refer to the provisions as amended herein. The Town Clerk or authorized codifier is directed to revise any such references throughout the Code, policies, and manuals for consistency and clarity, and to take necessary administrative actions to ensure alignment with this ordinance.

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PASSED AND ADOPTED BY THE BIG WATER TOWN COUNCIL

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|                                | <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

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David W. Schmuker, Mayor, Big Water Town

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Abigail Palsgrove, Clerk, Big Water Town

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**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

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- 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 extention shall not to exceed one year.

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 Tara Chiasson   | _____ | _____ | _____  | _____   |

Presiding Officer

Attest

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

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Abigail Palsgrove, Clerk, Big Water Town

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