

**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 MEETING**

**April 6, 2026**

**6:00 PM WORK SESSION**

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

**7:00 PM MEETING**

- 1. CALL TO ORDER –**
- 2. ROLL CALL –**
- 3. APPROVAL OR AMENDMENT OF AGENDA-**
- 4. APPROVAL OF MARCH 2026 MINUTES –**
- 5. APPROVAL OF APRIL 1, 2026 MINUTES -**
- 6. CONFLICT STATEMENT –**
- 7. ADMINISTRATOR COMMENTS –**
- 8. CITIZEN COMMENTS –**
  
- 9. 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 on Residential Setback Requirements-**
  
- 10. NEW BUSINESS–**
  - A) Discussion and Possible Action on Amending Section Municipal Code 5.07 Alcohol Beverage Control (Ordinance 06-2026) –**
  - B) Discussion and Possible Action on Ordinance 07-2026 Planning and Zoning Administrator Authority -**
  
- 11. FINAL CITIZEN COMMENTS-**
- 12. FINAL COMMENTS –**
- 13. ADJOURNMENT–**

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

**DRAFT MINUTES**

**6:00 PM WORK SESSION**

**7:00 PM PUBLIC HEARING**

**7:00 PM PUBLIC HEARING**

**7:02 PM MEETING**

**March 2, 2026**

**6:00 PM WORK SESSION**

**1. Call to Order:** at 6:11 PM; Mark Burkett, Wryht Short, Nicole Wood, Jack Brisbin and Robert Wilkes.

**2. Discuss Meeting Agenda Items-** Discussion – Duplicate Code Sections (Lot Line Adjustments & Parcel Joiner Consolidations) The Commission conducted a detailed review of duplicate language appearing in:

- Municipal Code 14.20.020 – Parcel Joiner Lot Consolidation
- Municipal Code 14.20.030 – Lot Line Adjustments within a Recorded Plan
- Zoning Code 15.10.150 – Parcel Joiner Lot Consolidation
- Zoning Code 15.10.160 – Lot Line Adjustments

It was determined that the language in these sections is substantially identical. The Commission discussed eliminating redundancy by: Retaining the provisions in Title 14 (Subdivision Ordinance); and Amending Title 15 (Zoning Code) to reference Title 14 rather than duplicating the language.

The Commission agreed that referencing the earlier code section would: Prevent future inconsistencies, Reduce administrative confusion, Ensure updates in one section automatically apply where referenced.

Staff explained that Title 14 was adopted to comply with updated state subdivision standards, making it the appropriate section to retain as the controlling language.

Discussion followed regarding broader amendments related to “Land Use Authority” restructuring. Staff explained:

- The Town is working to streamline administrative processes.
- Certain approvals (e.g., lot consolidations meeting established criteria) could be handled administratively rather than requiring both Planning & Zoning and Town Council approval.
- The intent is to reduce delays and improve efficiency while maintaining legislative oversight.

Concerns were raised regarding: Ensuring transparency, Maintaining adequate reporting to the Commission, Avoiding over-centralization of authority.

Clarification was provided that: The proposed amendment transfers authority to grant time extensions (not to exceed one year) to the Planning & Zoning Administrator. Legislative authority remains with the Town Council. Administrative approvals would still require compliance with adopted code standards. Commission members requested additional clarification and future discussion with the Administrator regarding the broader Land Use Authority plan.

At the request of Town Council, the Commission discussed preparation of a revised zoning overlay map to accompany Ordinance 02-2026.

- Current map colors lack clarity and differentiation.
- Residential zones (R1, R2, etc.) should use distinct shades.
- Overlays (Commercial/Residential) should use blended or complementary colors.
- Industrial zones may be assigned neutral tones.

- Government facilities and parks should be clearly distinguishable.
- The downtown commercial area will require designation following further review.

Wryht Short volunteered to: Prepare revised color versions, Create an updated legend, Enlarge the west-side map section for clarity, Submit drafts within approximately one week, Deliver finalized version prior to the March 18 Town Council meeting.

**3. Adjourn** – Closes at 7:17 PM

**7:02 PM MEETING**

**1. CALL TO ORDER** – at 7:19 PM

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

**3. APPROVAL OR AMENDMENT OF AGENDA-** Jack Brisbin makes a motion to approve the agenda by removing the 2 public hearings as the posted dates were wrong. Seconded by Nicole Wood. All in favor.

**4. APPROVAL OF FEBRUARY 2026 MINUTES** – Mark Burkett motions to approve the February minutes and seconded by Jack Brisbin. All in favor.

**5. CONFLICT STATEMENT** – None

**6. ADMINISTRATOR COMMENTS** – Not in attendance

**7. CITIZEN COMMENTS** – None

**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 Amending Table of Uses** – Tabled

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

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

**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)** – Item G and H will be done together. Jack Brisbin makes a motion that zoning code 15.10.030 and zoning code 15.10.150 will reference municipal code 14.20.030 and zoning code 15.10.160 will reference municipal code 14.20.20. Seconded by Nicole Wood. All in favor.

**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) –**

**I) Discussion on Residential Setback Requirements-** Item G and H will be done together. Jack Brisbin makes a motion that zoning code 15.10.030 and zoning code 15.10.150 will reference municipal code 14.20.030 and zoning code 15.10.160 will reference municipal code 14.20.20. Seconded by Nicole Wood. All in favor.

**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** – Wryht Short was assigned responsibility to prepare and present the revised overlay map to Town Council prior to March 18, 2026.

**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** – Discussion on the Administrator may grant extensions not to exceed one year. The one-year limitation applies to the extension period, not to the Administrator’s authority. Nicole wood motions to approve of Ordinance 03-2026 to Town Council. Seconded by Jack Brisbin. All in favor.

**10. FINAL CITIZEN COMMENTS-** None

**11. FINAL COMMENTS –** None

**12. ADJOURNMENT–** Motion to adjourn made by Mark Burkett and seconded by Wryht Short at 7:27 PM.  
All in favor.

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

**DRAFT MINUTES**

**6:30 PM SPECIAL MEETING**

**April 1, 2026**

**6:30 PM MEETING**

**1. CALL TO ORDER** – At 6:40 PM

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

**3. CONFLICT STATEMENT** – none

**4. NEW BUSINESS–**

**A) Discussion and Possible Action on a Parcel Joinder Application concerning Lot 1, Block J Glen Canyon Townsite Revised Plat A and Lot 2, Block J Glen Canyon Townsite Revised Plat A** – Motion to approve the application made by Jack Brisbin and seconded by Mark Burkett. All in favor

**5. ADJOURNMENT–** Motion to adjourn made by Wryht and Seconded by Mark. All in Favor at 6:49 PM

**BIG WATER TOWN  
ORDINANCE 06-2026 ALCOHOL BEVERAGE CONTROL**

**AN ORDINANCE AMENDING MUNICIPAL CODE 5.07 ALCOHOL BEVERAGE CONTROL FOR THE TOWN OF BIG WATER, KANE COUNTY, UTAH**

**WHEREAS**, the Town Council of the Town of Big Water is authorized to adopt ordinances and amend the municipal code to protect the public health, safety, and welfare of the residents of the Town pursuant to the authority granted to municipalities under Utah law; and

**WHEREAS**, the Utah Legislature has enacted the Alcoholic Beverage Control Act, codified in Title 32B of the Utah Code, which regulates the manufacture, distribution, sale, and service of alcoholic beverages within the State of Utah; and

**WHEREAS**, the Town Council finds it necessary to amend Chapter 5.07 of the Big Water Municipal Code to ensure consistency with state law and to establish procedures related to alcohol licensing and local consent requirements; and

**WHEREAS**, after providing notice as required by law, the Town Council held a public hearing on \_\_\_\_\_, on the proposed amendments and received public comment prior to adopting this ordinance.

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

**SECTION 1:****AMENDMENT** “5.07.020 License Required” of the Big Water Municipal Code is hereby *amended* as follows:

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

**5.07.020 License Required**

In accordance with Utah Code Annotated §11-10-1, no person may operate an association, restaurant, club, business, or similar establishment that allows a person to purchase, possess, or consume an alcoholic product on the premises of said association, restaurant, club, business, or similar establishment without ~~a valid alcohol license as provided in this chapter.~~ first obtaining any alcohol license required by the State of Utah under Utah Code Title 32B and any applicable beer retailer license or business license required by the Town.

In addition to the requirements of this chapter, an association, restaurant, club, business, or similar establishment shall comply with the requirements of Utah Code Annotated §32B entitled the “Alcoholic Beverage Control Act” and other applicable laws and regulations.

**SECTION 2: AMENDMENT** "5.07.030 License Classifications" of the Big Water Municipal Code is hereby *amended* as follows:

## AMENDMENT

### 5.07.030 License Classifications

An applicant within the Town may apply for the following ~~six (6)~~ classes of license subject to availability as provided in this part:

1. Class "A" retail licenses. This license is issued by the licensing authority subject to compliance with this Subsection and shall:

- a. Entitle the licensee to sell beer on the premises licensed in original containers for consumption off-premises in accordance with the Utah Code Title 32B, Alcoholic Beverage Control Act.
- b. This class of license is appropriate for grocery and convenience store type establishments.
- c. There is no limit on the number of this class of license that may be issued.

~~2. Class "B" retail licenses. This license is issued by the licensing authority subject to compliance with this Subsection and shall: a. Entitle the licensee to sell a patron beer in original containers and/or wine served on premises for consumption by a legal patron on premises in conjunction with the sale of food in accordance with the Alcoholic Beverage Control Act. b. This class of license is appropriate for dine-in restaurant establishments. c. There is no limit on the number of this class of license that may be issued.~~

~~3. Class "C" retail license. This license is issued by the licensing authority subject to compliance with this Subsection and shall: a. Entitle the licensee to sell draft beer for consumption on- or off premises and to sell beer, wine, and/or alcohol in accordance with the Alcoholic Beverage Control Act. b. This class of license is appropriate for restaurant establishments that make specialty beer (micro-brewery with food service). c. There is a maximum limit of three (3) licenses for this class available for issuance.~~

~~4. Class "D" retail license. This license is issued by the licensing authority subject to compliance with this Subsection and shall: a. Entitle the licensee to sell alcohol for consumption on premises in accordance with the Alcoholic Beverage Control Act. b. This class of license is appropriate for bars or clubs. c. There is a maximum limit of three (3) licenses for this class available for issuance.~~

~~5. Class "E" retail or wholesale license. This license is issued by the licensing authority subject to compliance with this Subsection and shall: a. Entitle the licensee to manufacture, warehouse, store, and sell an alcoholic beverage for off-premises consumption in accordance with the~~

~~Alcoholic Beverage Control Act. b. This class of license is appropriate for beer manufacturing and beer distribution facilities. c. There is no limit on the number of this class of license that may be issued.~~

62. Class "F" temporary Beer Event Permit license. This license is issued by the licensing authority subject to compliance with this Subsection and shall:

- a. Entitle the licensee to sell beer for on-premises consumption for a period of time not to exceed thirty (30) days. This class of license is non-renewable during a calendar year.
- b. This class of license is appropriate for special events.
- c. There is no limit on the number of this class of license that may be issued.

**SECTION 3: AMENDMENT "5.07.070 Restrictions" of the Big Water Municipal Code is hereby *amended* as follows:**

#### AMENDMENT

##### 5.07.070 Restrictions

The following restrictions in this section apply to all license classes and persons.

1. State law. It is unlawful to sell alcohol in violation of the Utah Alcoholic Beverage Control Act, or its successor.
2. Compliance. It is unlawful for an applicant or licensee to violate Utah Code Annotated §11-10-1, this Subsection, the municipal code, or any terms under which a license was issued.
3. No person may sell beer or alcoholic beverages in violation of the hours permitted under Utah Code Title 32B, Limits on hours. ~~It is unlawful for a person or any class of licensee to sell or otherwise furnish a patron or other person with an alcoholic beverage during the hours from one o'clock (1:00) A.M. to six o'clock (6:00) A.M.~~
4. Exceed license. It is unlawful to sell an alcoholic beverage except in the manner for which he has been so licensed pursuant to the provisions of this Subsection.
5. Licensed premises. It is unlawful for any licensee to sell an alcoholic beverage anywhere within the Town, except upon or within the premises licensed for such sale.
6. Advertising and promotions limitations. It is unlawful to advertise the sale of an alcoholic beverage, except in full compliance with the Alcoholic Beverage Control Act and

regulations duly made thereunder by the state. It is unlawful for any licensee to give away or offer a free lunch, free food, or similar promotion in connection with the sale of an alcoholic beverage.

7. Intoxicated person. It is unlawful to sell an alcoholic beverage to a person who appears to be intoxicated by drugs or alcohol, or who is under the influence of any intoxicating beverage.

8. Underage. It is unlawful to sell an alcoholic beverage to any person under the age of 21 or allow a person under the age of 21 years to sell the same.

9. Unlawful product. It is unlawful for any licensee to purchase or acquire or allow to be kept upon the licensed premises any alcoholic beverage not lawfully acquired from a brewer or wholesaler licensed under the provisions of the Alcoholic Beverage Control Act, or as part of a duly approved micro-brewery. It is unlawful for any licensee to keep any liquor product on the licensed premises that exceeds the scope of the license class or violates the Alcoholic Beverage Control Act.

10. Access. It is unlawful for any serving area, door, or entryway to be locked or barricaded in any way so as to interfere with the free entrance to the licensed premises by any enforcement officer at any time while the premises is occupied or open to the public. However, licensee may maintain upon the premises a locked storeroom for the keeping of goods and supplies used in the business.

11. Lookouts and warning devices. It is unlawful for any person commonly known as a "A Lookout" to be stationed or maintained to give warning of an approach of any enforcement officer. It is unlawful to maintain or operate any device which is used or capable of being used to give warning to persons of the approach of an enforcement officer.

12. Respondeat superior. The licensee shall be responsible under this Subsection for all of the activities of his employees and hereunder, the licensee unconditionally guarantees to the Town that neither he nor his employees will violate the terms of this Subsection, and for breach of such guarantee, the license may be revoked. It is unlawful for the owner or any licensee to: a. Fail to maintain full control of the conduct of the business upon the licensed premises. b. Fail to inform employees of the requirements of law relating to the sale of alcohol in the state of Utah. c. Fail to maintain control of employees.

13. Adverse action. It is unlawful for any person to sell an alcoholic beverage after the revocation or suspension of any license issued to said person.

14. Setbacks. It is unlawful to operate a business where an alcoholic beverage is sold at retail for off premise consumption within the setback distance of a "community location" as defined in Utah Code Annotated §32B-1-102(21), Alcohol license applicants may be subject to distance requirements from community locations as determined by the Utah Department of Alcoholic Beverage Services under Utah Code Title 32B. ~~according to the specified set-back distances for each class of license set forth in Utah Code Annotated~~

~~§32B-1-202, or otherwise in state law, unless the establishment preexisted this Subsection.~~

15. Restricted activities. It is unlawful to sell an alcoholic beverage at:

- a. A dance or dance hall not classified or defined as a club.
- b. On public property.
- c. A sexually oriented business.
- d. Alcohol service at specific locations shall comply with the requirements of Utah Code Title 32B and applicable state licenses. ~~A theater or cinema.~~

**SECTION 4:            AMENDMENT “5.07.050 Licensing Requirements” of the Big Water Municipal Code is hereby *amended* as follows:**

#### AMENDMENT

##### 5.07.050 Licensing Requirements

The local authority shall only issue a license for the sale or distribution of alcohol based upon the license classifications authorized in this Section.

1. State requirements. Applicant complies with the provisions of Utah Code Annotated §11-10-2, as amended.
2. License required. It is unlawful for any person to engage in the business of selling an alcoholic beverage within the Town without first obtaining the licenses required by this Subsection.
3. Administration. The licensing authority shall administer this subsection under the direction of the Town administrator.

4. Application and fee. Any person seeking a license to sell an alcoholic beverage shall submit a written application to the Town License Officer as provided for in this Section which shall be accompanied by the appropriate application/license fee required. The application/license fee is not refundable in the event that the application is denied. However, the applicant is given thirty (30) days after notice from the Town of a deficiency to cure a denied or defective application without the requirement of repayment of the application/license fee.

5. Information required. All applications for a license to sell an alcoholic beverage shall be made in writing upon the form provided by the Town recorder. The application shall state:

- a. The name of the person desiring a license to sell an alcoholic beverage.
- b. The name of the business.
- c. The location where business is to be conducted.
- d. The names of all partners holding more than a twenty percent (20%) interest in the business.
- e. The class of license sought.
- f. Other information specified on the application as determined by the Town administrator, or any other information required by ordinance or statute.

6. Review and approval. An application that complies with this section may be approved by the Town for purposes of issuing a local beer retailer license or business license. Approval does not authorize the sale of alcoholic beverages unless the applicant has obtained all required licenses from the State of Utah. ~~An application that complies with this Section shall be issued by the Town Recorder after review and approval by the licensing authority.~~ An application that does not meet the requirements of this Section shall be denied by the licensing authority.

7. License owner. A license for the sale of alcohol is issued in the name of the business operator or owner rather than the name of the business. In the event of a change of the business operator or ownership, a new application and license is required along with the application fee.

8. Nontransferable. Licenses issued under this Section are not transferable.

9. Renewal. A license issued under this Subsection shall be renewed annually in conjunction with the renewal schedule for business licenses.

10. Display. The holder of a license issued under this Subsection shall display in a conspicuous location the license issued by the licensing authority along with any license issued by the governing state agency for the sale of any alcoholic beverage.

11. Time limit on operation. If a holder of a license issued under this Subsection fails to open or to conduct business within the jurisdiction of the local authority for a period of one (1) year after issuance of the license, then said license is void and a new application and fee must be submitted and approved by the licensing authority.

**SECTION 5:            AMENDMENT “5.07.080 Suspension And Revocation”** of the Big Water Municipal Code is hereby *amended* as follows:

#### AMENDMENT

##### 5.07.080 Suspension And Revocation

In accordance with Utah Code Annotated §11-10-1(4), an enforcement officer may suspend or revoke a local beer retailer license or business license issued by the Town. Violations of Utah alcohol laws may also be referred to the Utah Department of Alcoholic Beverage Services for enforcement action against a state-issued alcohol license~~a license issued under this Subsection~~ as follows:

1. Suspension. If a licensee has been issued a warning or citation for a violation of this Subsection and a second violation occurs within a one (1) year period, then the enforcement officer may suspend a license for up to thirty (30) days. In lieu of a suspension, the enforcement officer may issue a civil penalty not to exceed \$1,000.00 for a violation of this chapter.
2. Revocation. An enforcement officer may revoke a license issued under this Subsection if a license has another violation of this Subsection where a suspension has been made within a one (1) year period prior to the violation. Any revocation made under this Subsection shall continue for a period of one (1) year after which an applicant may resubmit an application under this Subsection.
3. Educational requirement. An enforcement officer may issue a suspension to any licensee for a violation of educational requirements set forth in Utah Code Annotated §32B-5-401, et seq. In lieu of suspension, and, based upon the facts and circumstances, the enforcement officer may impose a fine of up to \$250.00 for a violation of this part.
4. Operational requirements. It is cause for immediate revocation or suspension for a licensee who violates the operational requirements set forth in Title 32B of the Utah Code Annotated, depending upon the severity of a violation(s).

**SECTION 6:        AMENDMENT** “5.07.060 Inspection And Enforcement” of the Big Water Municipal Code is hereby *amended* as follows:

AMENDMENT

5.07.060 Inspection And Enforcement

The licensing official or enforcement official may conduct an inspection regarding any license issued under this Subsection to assure compliance with applicable law. The holder of a license issued under this chapter, by accepting said license, ~~irrevocably~~ consents to allow the inspection and search of the licensed premises by authorized enforcement officers in accordance with applicable law, ~~any licensing officer and/or the enforcement officer~~ for any alcoholic beverage or for any other goods illegally possessed or kept, or for any evidence of any alleged alcohol related crime under investigation by law enforcement. The licensee further consents to the seizure of alcohol that exceeds that classification limits set upon the license holder or alcohol related property in violation of this Subsection.

**SECTION 7:        AMENDMENT** “5.07.110 Penalties” of the Big Water Municipal Code is hereby *amended* as follows:

AMENDMENT

5.07.110 Penalties

The following penalties apply and are not mutually exclusive:

1. Civil. Each violation of this ~~Chapter~~Subsection constitutes a civil fine not to exceed \$1,000. Each day a violation continues constitutes a separate offense. The town may seek any civil remedy provided by law including abatement and injunctive relief for a violation of this Subsection or for situations that constitute a public nuisance relating to alcoholic beverages.
2. Criminal. Each violation of this ~~Chapter~~Subsection is a class B misdemeanor.

**SECTION 8:        ADOPTION** “5.07.055 Local Consent For State Alcohol Licenses” of the Big Water Municipal Code is hereby *added* as follows:

ADOPTION

5.07.055 Local Consent For State Alcohol Licenses(Added)

Local Consent Required - An applicant seeking a license from the State of Utah to manufacture, store, sell, or furnish alcoholic beverages within the Town shall obtain written consent from the Town as required by Utah Code §32B-5-201. Application for Local Consent - An applicant requesting local consent shall submit a written application to the Town Recorder on a form provided by the Town. The application shall include:

- a. The name and contact information of the applicant;
- b. The name and address of the business establishment;
- c. The type of alcohol license being sought from the State of Utah;
- d. A description of the premises where alcoholic beverages will be manufactured, stored, sold, or consumed;
- e. Documentation demonstrating that the proposed establishment complies with applicable zoning, land use, and business licensing requirements of the Town; and
- f. Any additional information reasonably required by the Town to determine compliance with applicable laws.

Review of Application - The Town Recorder or designated licensing authority shall review the application to determine whether the proposed establishment complies with applicable municipal ordinances including zoning, land use regulations, and business licensing requirements. Action by the Town - Upon determination that the application complies with applicable local regulations, the Town may provide written consent to the applicant in the form of:

- a. A resolution adopted by the Town Council; or
- b. A written statement of consent signed by the Town's authorized representative.

Effect of Local Consent - Local consent issued by the Town does not authorize the sale or service of alcoholic beverages. The applicant must obtain the appropriate license or permit from the State of Utah before engaging in any activity regulated under Title 32B of the Utah Code. Compliance with State Law - All establishments manufacturing, storing, selling, or furnishing alcoholic beverages within the Town shall comply with the provisions of Title 32B of the Utah Code and any rules or regulations adopted by the State of Utah Department of Alcoholic Beverage Services.

**SECTION 9:**AMENDMENT "5.07.040 License Fee" of the Big Water Municipal Code is hereby *amended* as follows:

AMENDMENT

5.07.040 License Fee

In accordance with Utah Code Annotated §11-10-3, in addition to the general business license fee, an annual alcohol license fee is hereby imposed in the following amounts: Class "A": \$125.00 ~~Class "B": \$125.00 Class "C": \$300.00 Class "D": \$300.00 Class "E": \$125.00~~ Class

“F”: \$25 per day

(i) Liquor and beer license renewals shall be due annually on January 1st of each year. As stated in this code 5.02.030, any business operating while not abiding by the rules and regulations herein is subject a fine of \$500.00 per month (also see 5.1.010 for penalties operating illegally.)

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

**BIG WATER TOWN  
ORDINANCE 07-2026**

**AN ORDINANCE AMENDING TITLE 15 (ZONING) OF THE BIG WATER  
MUNICIPAL CODE TO CLARIFY THE AUTHORITY AND DUTIES OF THE  
ZONING ADMINISTRATOR AND TO ESTABLISH CONSISTENT  
ADMINISTRATIVE REVIEW PROCEDURES**

**WHEREAS**, Big Water Town has adopted Title 15, Zoning Code, to regulate land use and development within the Town; and

**WHEREAS**, Big Water Town has adopted Title 15, Zoning Code, to regulate land use and development within the Town; and

**WHEREAS**, the amendments herein are intended to clearly distinguish between ministerial and discretionary land use decisions consistent with Utah Code Title 10, Chapter 9a;

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

**SECTION 1:****AMENDMENT** “15.06.050 Zoning Administrator” of the Big Water Zoning Code is hereby *amended* as follows:

**AMENDMENT**

**15.06.050 Zoning Administrator**

The Council may designate a person to carry out the administrative responsibilities of this Ordinance, and the Subdivision Ordinance. The person so designated is referred to herein as the “Zoning Administrator.”

~~It is the responsibility of~~ The Zoning Administrator shall be responsible for the day to day administration and enforcement of this Ordinance and shall ~~to~~ ensure all administrative processes, procedures and other provisions of this Ordinance and the Subdivision Ordinance are consistently and equitably applied.

Powers and Duties The Zoning Administrator shall have the following powers and duties:

1. Administrative Review Authority a. To review and approve, approve with conditions where expressly authorized, or deny applications for permitted uses, temporary uses, and other administrative land use applications as specifically provided in this Ordinance. b. Such decisions shall be ministerial in nature and shall be based solely upon compliance with the objective standards and requirements of this Ordinance.

2. Application Processing a. To receive, review, and process all development applications. b. To determine application completeness pursuant to Section 15.10.070.
3. Zoning Interpretation To interpret and apply the provisions of this Ordinance in the administration of land use applications, subject to appeal as provided in Chapter 15.32.
4. Permit Authorization To issue zoning clearances and authorize permits where applications comply with all applicable provisions of this Ordinance.
5. Enforcement Authority To enforce the provisions of this Ordinance, including the authority to: Issue notices of violation Issue stop work orders Initiate enforcement proceedings as provided in Chapter 15.30
6. Coordination To coordinate review with the Planning Commission, Town Council, Building Official, and other agencies as necessary.
7. Limitations of Authority The Zoning Administrator shall not have authority to approve applications requiring discretionary review, including but not limited to: Conditional Use Permits Variances Zoning Ordinance Amendments General Plan Amendments Such applications shall be reviewed and decided by the appropriate land use authority as designated in this Ordinance.
8. Reporting: The Zoning Administrator shall provide to the Commission and Council, at the regular meetings of the Commission and Council, an Activity Report identifying all administrative actions and decisions taken by the Zoning Administrator applying the provisions of this Ordinance.

**SECTION 2:           ADOPTION** “15.06.045 Approval Authority” of the Big Water Zoning Code is hereby *added* as follows:

**ADOPTION**

15.06.045 Approval Authority(*Added*)

The authority to review and approve development applications, permits, and licenses under this Ordinance shall be assigned as follows:

1. Zoning Administrator The Zoning Administrator shall have authority to review and render final decisions on applications that are administrative and ministerial in nature, including: Permitted Uses (Chapter 15.12) Temporary Uses (Chapter 15.16) Other applications expressly assigned by this Ordinance
2. Planning Commission The Planning Commission shall have authority to review and render final decisions on applications requiring discretionary review, including Conditional Use Permits as provided in Chapter 15.14.
3. Town Council The Town Council shall act as the legislative body and shall have authority over: Zoning Ordinance Amendments Zoning Map Amendments General Plan Amendments
4. Interpretation Where ambiguity exists regarding approval authority, the provisions of this Ordinance shall be interpreted to assign ministerial decisions to the Zoning

Administrator and discretionary decisions to the Planning Commission or Town Council.

**SECTION 3: AMENDMENT** “15.10.100 Scope Of Development Approvals” of the Big Water Zoning Code is hereby *amended* as follows:

**AMENDMENT**

15.10.100 Scope Of Development Approvals

All development approvals shall be granted by the applicable land use authority designated by this Ordinance. The rights conferred by a development permit shall be limited to those expressly granted and shall be subject to all applicable conditions and requirements. A development permit shall be considered void after one (1) year unless construction has taken place or the activity has commenced.

~~†. The rights conferred by a development permit upon the filing of a complete application and approval by the Town shall be limited to those rights granted in the applicable provisions of this Ordinance and subject to any conditions attached to the development permit. A development permit shall be considered void after one (1) year unless construction has taken place or the activity has commenced.~~

**SECTION 4: AMENDMENT** “15.12.030 Review And Approval Procedures” of the Big Water Zoning Code is hereby *amended* as follows:

**AMENDMENT**

15.12.030 Review And Approval Procedures

The procedures for the review and consideration of a Permitted Use Application are identified by Figure 4, herein.

The Zoning Administrator shall review the permitted use request and determine if the request:

1. Is a Permitted Use within the zoning district, as identified in the Table of Uses, Table

- 1.
2. Complies with all requirements applicable to the zoning district, including minimum area, yard setbacks, height, and all other requirements applicable in the zoning district.
3. Complies with all requirements for Site Plan Requirements and Approval Procedures, as provided by Chapter 15.26, herein.
4. Does not propose any construction on any sensitive lands, as defined by Section 15.42.010(53) herein.
5. Complies with all applicable dedication requirements of the Town and provides the necessary infrastructure, as required.

Upon finding that the proposed use, building, or structure complies with the standards and requirements as identified in (1) to (5) above, and the proposed use, building, or structure can be adequately serviced by the existing, or proposed infrastructure, the development plans shall be reviewed for compliance to the provisions of the Building Code and all other Codes, as adopted by the Town, by the Building Official. If the request for a permitted use, building, or structure complies with all the requirements of this Ordinance and the Building Code, and all other applicable Codes, the Permitted Use Application shall be approved and a building permit issued.

The permitted use request does not comply with the requirements of this Ordinance and the Building Code and all other applicable Codes, the Zoning Administrator and/or Building Official shall not authorize any use, building, or structure, and no building permit shall be issued. The Zoning Administrator and/or Building Official shall notify the applicant identifying what requirements have not been satisfied.

The review and approval of a Permitted Use Application by the Zoning Administrator is ministerial in nature. The Zoning Administrator shall approve the application upon a finding that the proposed use complies with all applicable standards and requirements of this Ordinance and all other applicable codes. The Zoning Administrator shall not deny a permitted use that complies with all objective requirements.

**SECTION 5:           ADOPTION** “15.26.035 Site Plan Approval Authority” of the Big Water Zoning Code is hereby *added* as follows:

#### ADOPTION

15.26.035 Site Plan Approval Authority(*Added*)

1. Site plans associated with Permitted Uses shall be reviewed and approved by the Zoning Administrator as a ministerial action.
2. Site plans associated with Conditional Uses shall be reviewed and approved by the Planning Commission as part of the Conditional Use Permit process.
3. The Zoning Administrator may review site plans for completeness and compliance prior to Planning Commission consideration.

**SECTION 6:            AMENDMENT “15.30.010 Enforcement - Procedures And Duties” of the Big Water Zoning Code is hereby *amended* as follows:**

**AMENDMENT**

**15.30.010 Enforcement - Procedures And Duties**

This Ordinance may be enforced by the Town by any appropriate means authorized by State law and Big Water Town ordinances including, but not limited to, injunctive relief, fines, withholding of building permits and revocation of development approvals, permits, and licenses.

It shall be the duty of the Zoning Administrator, Building Official, Planning Commission, and/or Town Council members to bring to the attention of the Town Attorney any violations of this Ordinance. The Town Attorney shall be responsible for enforcing all provisions and requirements of this Ordinance and initiating proceedings to ensure compliance, as allowed and authorized by State laws.

No building permit shall be issued for the construction of any building or structure located on a lot subdivided or sold in violation of the provisions of this Ordinance or the Big Water Town Subdivision Ordinance, nor shall the Town have any obligation to issue certificates of occupancy or to extend facilities or services to any parcel created in violation of this Ordinance or the Big Water Town Subdivision Ordinance.

The Zoning Administrator is designated as the primary enforcement officer for this Ordinance and is authorized to administer and enforce all provisions herein.

**BIG WATER TOWN  
ORDINANCE 07-2026 P&Z ADMINISTRATOR AUTHORITY**

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

**SECTION 1:            AMENDMENT** “14.20.020 Parcel Joinder (Lot Consolidation)” of the Big Water Municipal Code is hereby *amended* as follows:

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

**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.~~ submit an application to the Town for review by the Zoning Administrator.
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. The Zoning Administrator shall review all Parcel Joinder (Lot Consolidation) applications for completeness and compliance with all applicable provisions of the Town Code. Parcel Joinder applications shall be processed~~

as an administrative land use application, except where a public hearing is required pursuant to Utah Code or this Ordinance. The Zoning Administrator shall prepare a written recommendation for consideration by the Planning Commission and Town Council where 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;
    - 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, 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) 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 Owner of Record, Surveyor, **County Recorder, and Land Use Authority.** (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 the subject property, only where notice is required by applicable provisions of the Town Code or Utah law. ~~joinder properties, pursuant to local ordinance.~~ Notice shall be provided in a manner reasonably calculated to inform affected property owners, which may include first-class mail or other methods as established by Town policy.
7. Administrative Review and Approval Where no public hearing is required pursuant to Utah Code, the Town Council may consider a Parcel Joinder application at a public meeting based upon the recommendation of the Zoning Administrator and Planning Commission. Where a public hearing is required by Utah Code or this Ordinance, the

application shall follow the applicable public hearing procedures prior to final action by the Town Council. The Zoning Administrator shall determine whether the application meets the criteria for administrative processing or requires a public hearing based on applicable law.

8. 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)
9. 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.
10. 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).
11. 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.
12. Town Council may approve the vacation, alteration, or amendment by signing an amended final plat showing the vacation, alteration, or amendment.
13.
  - 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)
14. 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 2: AMENDMENT** "14.20.030 Lot Line Adjustments Within An Recorded Plat" of the Big Water Municipal Code is hereby *amended* as follows:

#### AMENDMENT

##### 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:
  - 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) 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 Owner of Record, Surveyor, County Recorder, and Land Use Authority .
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 ~~provide~~~~ensure that~~ notice ~~is given to all~~ adjoining property owners, ~~pursuant to local ordinance,~~ only where required by applicable provisions of the Town Code or Utah law. Notice may be provided by first-class mail or other reasonable method established by Town policy.
7. Lot Line Adjustments shall be reviewed and approved by the Zoning Administrator as an administrative land use decision, provided that all requirements of this Ordinance are met.
8. After the Lot Line Assessment request and plat are approved and certified by the Zoning Administrator as the administrative land use authority~~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.
9. 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.
10. 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.)
11. If a written objection is received from an adjoining property owner within the required notice period, the Zoning Administrator shall refer the application to the Planning Commission for consideration at a public meeting.

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 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