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

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WHEREAS, Big Water Town has adopted Title14 Subdivision Regulation code and 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 20;

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 t~~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 approval 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:

A D O P T I O N

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

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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.

~~1. 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

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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.

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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.

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

Ordinance continued as pertaining to Title 10, Chapter 20, Utah Code (Municipal Land Use, Development, and Management Act), as amended:

SECTION 1: **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).~~ The Planning and Zoning Administrator is authorized to review and approve applications for the joinder of two or more contiguous parcels (lot consolidation), subject to compliance with the Big Water Zoning Ordinance and, in accordance with applicable provisions of Title 10, Chapter 20, Utah Code (Municipal Land Use, Development, and Management Act), as amended.

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 § 10-20-10~~29a-103~~ Definitions, Amended 2025~~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,~~

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~~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.

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 certified and/or first-class mail.
7. Administrative Review and Approval Where no public hearing is required pursuant to Utah Code, the Planning and Zoning Administrator may approve and certify the parcel joinder, as the administrative land use authority. Where a public hearing is required by

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Utah Code or this Ordinance, the application shall follow the applicable public hearing procedures prior to final action by the Planning and Zoning Administrator. l. 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~~Zoning Administrator shall schedule~~hold~~ a public hearing (§ 10-20-811~~9a-207, et seq.,~~ Utah Code Amended 2026 ~~2006, 10-9a-509, et seq., Utah Code Amended 2008,~~ and § 10-20-207~~9a-608~~, et seq., Utah Code Amended 20250~~6~~) 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~~10-208, Utah Code Amended 2025)~~06~~, ~~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~~20-902, et seq., Utah Code Amended 2025~~06, § 10-9a-509, et seq., Amended 2008, and~~ § 10-20-811~~9a-608, et seq.~~, Utah Code Amended 2025~~06~~), does not apply and Zoning Administrator ~~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 (§ 10-20-208~~9a-208~~, Utah Code Amended 2025~~06~~); 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. (§ 10-20-803~~9a-603, (5) (a)(b)~~, Utah Code Amended 2025~~08~~)
14. The Town Council shall ensure that the amended plat showing the vacation, alteration,

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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 .

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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 Adjustment~~ssessment~~ 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.

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PASSED AND ADOPTED BY THE BIG WATER TOWN COUNCIL _____.

	AYE	NAY	ABSENT	ABSTAIN
Mayor David Schmuker	_____	_____	_____	_____
Council member Jim Lybarger	_____	_____	_____	_____
Council member Jennie Lassen	_____	_____	_____	_____
Council member Tara Chiasson	_____	_____	_____	_____
Council member Mark Gangola	_____	_____	_____	_____

Presiding Officer

_____
David W. Schmuker, Mayor, Big Water Town

Attest

_____
Abigail Palsgrove, Clerk, Big Water Town

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