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 MEETING
November 2, 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 –
2-3 **4. APPROVAL OF AUGUST 31, 2026 MINUTES –**
5. CONFLICT STATEMENT -
6. ADMINISTRATOR COMMENTS –
7. CITIZEN COMMENTS –

8. OLD BUSINESS –
A) Discussion and Possible Action on Special Events and Temporary/Vendor 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-
4-6 **F) Discussion and possible action to reconsider/amending the prior action regarding Amending the Verbiage in Municipal and Zoning Code for excessive noise and possible quiet time hours –**

10. NEW BUSINESS–
7-19 **A) Discussion and Possible Action on Amending the Zoning Code Regarding Recreational Vehicle Use and Locations (sent back from Town Council for possible fee review) –**

11. FINAL CITIZEN COMMENTS- None
12. FINAL COMMENTS –
13. ADJOURNMENT–

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

DRAFT MINUTES

SEPTEMBER MEETING
6:00 PM WORK SESSION
7:00 MEETING
August 31, 2026

6:00 PM WORK SESSION
1. Call to Order: Robert calls to order 6:11pm.
2. Discuss Meeting Agenda Items – Discussion of field trip for potential downtown area. Ideal location being behind the yurts and near the visitors center but property owners would have to be on board. Discussion on possibly sending a survey to the nearby property owners to see what their thoughts are on a potential downtown area. Would also have to get SITLA on board. Jack mentions it would be good to at least have the zoning in place even if the practicality is 10-20 years out. Discussion of proposed street names and the grid defining North, South, East, and West directionals. Commission seems agreeable to the street names and directionals after considering the grid.
Discussion on noise ordinance. Max decibels recorded when garbage truck was driving by was 80 decibels. Discussion on attorney communication regarding gravel pit operations being critical infrastructure materials and having state code protections when it pertains to nuisance ordinances. Commission discussions having decibels levels at 80 during certain hours for residents. Jack reads the industrial/commercial operations and agricultural sections. It simply says that material performance requirements and emergency circumstances, the contractual obligations for public infrastructure projects may operate during quiet hours, provided usable measures are taken to minimize noise impact on living properties. Discussion on who would enforce these noise ordinances just as any other nuisance ordinances we already have.
Discussion on putting out a public communication letting them know due diligence has been done to research gravel pit/critical infrastructure material manufacturing State Code protections.

Discussion on vendor permits- should be a town council issue, not related to zoning.

Discussion on taking agenda items off. Will vote in the meeting.

3. Adjourn – Adjourns work session at 7:09pm

7:00 PM MEETING
1. CALL TO ORDER – Robert Calls to order at 7:09pm
2. ROLL CALL – Wryht Short present over the phone, Jack Brisbin, Nicole Wood, Mark Burkett, Robert Wilkes, all present.
3. APPROVAL OR AMENDMENT OF AGENDA – Nicole motions to remove Items F, G, and I from Old Business Jack seconds. All in favor.
4. APPROVAL OF AUGUST 3, 2026 MINUTES – Mark motions to approve, Wryht seconds. All in favor.
5. CONFLICT STATEMENT - None

6. ADMINISTRATOR COMMENTS – Denise- we have 1 building permit approved. 2 business licenses, 1 short term rental renewal that has been submitted. Still going through ordinance and zoning compliance procedures, monitoring open building permits, still sending letters. Will be going out with David to review issues. Continuing to work with P&Z and Tow Council. There is some commercial building movement, but residential building is kind of at a standstill.
7. CITIZEN COMMENTS – None

8. OLD BUSINESS –
A) Discussion and Possible Action on Special Events and Temporary/Vendor Use Permits - Continue
B) Discussion and Possible Action on Amending Off Street Parking spaces – Continue
C) Discussion and Possible Action on Definitions – Continue
D) Discussion and Possible Action on Amending Table of Uses – Continue
E) Discussion and Possible Action on Land Use Ordinance- Continue
F) Discussion and Possible Action on Timeshare and Camp Resort Act – Remove
G) Discussion on Residential Setback Requirements- Remove
H) Discussion and Possible Action on Amending the Verbiage in Municipal and Zoning Code for excessive noise and possible quiet time hours – Nicole motions to add the verbiage from the state code and to add the 80 decibels on the example. Jack seconds. All in favor
I) Discussion of Citizen Concerns Regarding Business Compliance – Removed

10. NEW BUSINESS–
A) **Discussion and Action on Draft Language for Assigning Official Street Names to Certain Unnamed Public Roadways Within the Town of Big Water –** Wryht motions to approve, Nicole seconds. All in favor.
B) Discussion and Action on Drafting Language for Vendor Use Permits – No action- send to Town Council for discussion and action.

11. FINAL CITIZEN COMMENTS- None
12. FINAL COMMENTS – Nicole thanks Stephanie for getting the research to them for the board to review regarding the gravel pit nuisance. Wryht would like as many details as possible from the PZA so they are aware of what is going on in town related to business licenses and building permits.
13. ADJOURNMENT– Jack motions to adjourn. Mark seconds. All in favor. 7:17pm

BIG WATER TOWN
ORDINANCE 10-2026 QUIET HOURS

AN ORDINANCE AMENDING SECTION 8.08.030 OF THE BIG WATER MUNICIPAL CODE REGARDING QUIET HOURS AND EXCESSIVE NOISE

WHEREAS, the Town Council of Big Water Municipal Corporation finds that excessive nighttime noise may disturb the peace, comfort, and quiet enjoyment of neighboring properties; and

WHEREAS, the Town Council finds it necessary to establish reasonable quiet hours to protect the public health, safety, and welfare of Town residents;

WHEREAS, Utah Code § 76-9-1301 provides that activities conducted in the normal and ordinary course of a critical infrastructure materials operation, when conducted in accordance with sound critical infrastructure materials practices, are not considered a public nuisance, and further provides that such operations conducted in conformity with applicable federal, state, and local laws and regulations, including zoning ordinances, are presumed to be operating in accordance with sound critical infrastructure materials practices; and

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

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

SECTION 1: **AMENDMENT** "8.08.030 Property Maintenance" of the Big Water Municipal Code is hereby *amended* as follows:

AMENDMENT

8.08.030 Property Maintenance

~~1.~~ NUISANCES DEFINED. The following list of conditions and any other conditions which threaten the health, safety, or well-being of Town residents or adversely affect surrounding property values are declared nuisances and are prohibited:

a. Noxious weeds at any state of maturity
b. Abandoned, partially destroyed, improperly maintained, and partially-constructed buildings or structures.
c. Dead, decayed, or diseased vegetation.
d. Abandoned, inoperative, dilapidated, and unsightly motor vehicles, trailers, campers, boats, RVs, or other mobile equipment stored so as to be visible from public streets or stored upon public streets.

e. Attractive nuisances to children.
f. Discarded or stored furniture, cartons, and other unsightly items visible from public streets or stored upon public streets.
g. Premises in a condition detrimental to public health, safety, general welfare, or surrounding property values.

2. Any excessive noise that annoys, disturbs, or endangers the comfort, repose, or welfare of any persons or that precludes their enjoyment of their property. Quiet hours are hereby established between the hours of 11:00 p.m. and 7:00 a.m. During quiet hours, no person shall make, continue, or cause any loud, unreasonable, excessive, or plainly audible noise above 80 decibels that unreasonably disturbs the peace or quiet enjoyment of neighboring properties. This provision shall not apply to emergency vehicles, emergency repairs, lawful public works activities, agricultural operations, or Town-approved events.
    a. Industrial and commercial operations that require night time work due to weather conditions, material performance requirements, emergency circumstances, or contractual obligations for public infrastructure projects may operate during quiet hours, provided reasonable measures are taken to minimize noise impacts on neighboring properties. Such operations shall comply with any conditions imposed through zoning approvals, conditional use permits, or other Town authorizations.
    b. In accordance with Utah Code 76-9-1301 a nuisance does not include an activity conducted in the normal and ordinary course of a critical infrastructure materials operation and conducted in accordance with the sound critical infrastructure material practices, with the presumption that a critical infrastructure materials operation undertaken in conformity with the federal, state, and local las and regulations, including zoning ordinances, is operating within the sound critical infrastructure material practices.
3. NUISANCE — BLOWING SAND AND DIRT. No person, firm or corporation who owns or is in possession or control of land the soil of which is sandy loam or which, by virtue of its character and the presence in the area of strong prevailing winds, seasonal or otherwise, is likely, if the surface thereof is disturbed, to be eroded by wind and blown in substantial quantity onto a public road or roads or other public or private property in the vicinity of said land, shall substantially disturb the surface of said sand by excavating, leveling, cultivating, plowing, removing natural or planted vegetation or root crops, or by depositing or spreading a substantial quantity of similar soil on the land, or by any other act likely to cause or contribute to wind erosion of the land, or to aggravate an existing wind erosion condition thereon, without providing sufficient protection at or prior to the time of so disturbing the surface of the land or without thereafter continuously maintaining the same or equivalent protection, so far as to prevent the soil on the land from being eroded by wind and blown onto a public road or roads or other public or private property. Such protection shall be provided by means of windbreaks, walls, fences, planting and maintaining vegetation, covering the land, applying water or other material, or other effective method or combination of methods of holding the soil in place. Any act or omission complained of as a violation

of the above necessarily incidental to and consistent with conduct of agricultural operation in a manner usual and customary for such agricultural operations shall not be included in the above.

4. AUTHORS OF NUISANCE DEFINED. Where a nuisance exists, the property's owner, landlord, occupant, any persons having control over property, and/or their agents are deemed its author and responsible therefor.
5. ENFORCEMENT. The Zoning Administrator or other Council designee shall be responsible for identifying nuisances within the Town. He shall notify the author thereof in writing of the nuisance determination and set a deadline for abating the nuisance.

   If the author fails to meet the deadline, the Town through its Zoning Administrator shall affect the abatement. An itemized statement of the charges incurred to effect abatement, including a service charge of $100.00, shall be sent, via registered mail, to the author, and payment of said charges must be paid by author within 30 days. If such payment is not made, the charges shall become a lien against the property hosting the nuisance.

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 Mark Gangola	_____	_____	_____	_____
Council member Jim Loyd	_____	_____	_____	_____

Presiding Officer

_____
David W. Schmuker, Mayor, Big Water Town

Attest

_____
Abigail Palsgrove, Clerk, Big Water Town

BIG WATER TOWN
ORDINANCE 09-2026

AN ORDINANCE OF BIG WATER MUNICIPAL CORPORATION, KANE COUNTY, UTAH, AMENDING TITLE 15 OF THE BIG WATER ZONING CODE REGARDING THE LOCATION AND LIMITED USE OF MOBILE HOMES, TRAVEL TRAILERS, RECREATIONAL VEHICLES, BOATS, CAMPING TRAILERS, TRUCK CAMPERS, AND MOTOR HOMES; AMENDING SECTIONS 15.24.040 AND 4.04.020; ADDING SECTIONS 15.24.045, 15.24.046, 15.24.047 AND 15.24.048; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Big Water Municipal Corporation has adopted land use regulations under Title 15 of the Big Water Municipal Code; and

WHEREAS, the Town Council finds that the current code would benefit from greater clarity regarding temporary and limited seasonal use of recreational vehicles on private property; and

WHEREAS, the Town Council finds that it is in the best interest of the Town to distinguish between simple storage of recreational vehicles, temporary recreational vehicle use, seasonal recreational vehicle use, and a recreational vehicle space associated with an existing permanent residence; and

WHEREAS, the Town Council further finds that such standards should protect the public health, safety, and welfare while providing clear direction for administration and enforcement; and

WHEREAS, the Planning Commission has reviewed the proposed amendments and forwarded its recommendation to the Town Council; and

WHEREAS, the Town Council has held a duly noticed public hearing on September 16, 2026, and finds that the amendments are consistent with the Big Water Town General Plan and the purposes of the Big Water Zoning Ordinance.

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

SECTION 1: **AMENDMENT** "15.20.050 Use Definitions" of the Big Water Zoning Code is hereby *amended* as follows:

AMENDMENT

15.20.050 Use Definitions

To facilitate ease of administration and clarity in the uses allowed within Big Water Town the following use definitions are provided. The use definitions should be considered when applying the use provisions and requirements as presented in Table 1, Table of Uses.

1. **Accessory Building** — A building clearly subordinate and incidental to the principal existing building on the same lot and meeting all applicable Building Code requirements, as adopted by the Town. Metal Accessory Buildings must match the Principal Building.
2. **Accessory Dwelling Unit** — A Dwelling Unit which has a square footage not more than 30% of the square footage of the principal structure and which is located on the same lot as the principal structure and meets all applicable Building Code requirements, as adopted by the Town. Accessory Dwelling Units may be used for an employee or guest of the owner of the principal structure and as a Short Term Rental where permitted.
3. **Accessory Use** — A use subordinate to and clearly incidental to the principle existing use on the same lot.
4. **Advertising Sign** — Any sign or display device including but not limited to billboards, electronic message centers (EMCs), LED displays, banners, and freestanding or attached signage, used to advertise a product, service, brand, or event that conveys a commercial message, promotes a brand, business, or service, or directs attention to a commercial activity, whether located on-premises or off-premises.
5. **Apiary/Beekeeping** — "Apiary" means any place where one or more colonies of bees are located; "Bee" means the common honey bee at any stage of development; "Beekeeping" means anyone who is the state registered owner or operator of a hive or hives; "Hive" means a frame hive, box hive, box, barrel, log, gum skep, or other artificial or natural receptacle which may be used to house bees.
6. **Automobile and Recreational Vehicle Repair** — A building or land area in which, or upon which, a business or service involving the maintenance, servicing, or repair of automobiles and/or recreational vehicles is conducted or provided.
7. **Business Sign** — A business sign is any sign, display, or device that is permanently or temporarily affixed to a building, structure, or property and is used to identify the name, services, or products of a business, profession, or organization that operates on the premises where the sign is located. Business signs do not include off-premises advertising signs or billboards.
8. **Cemetery** — A place designated for the burial or keeping of human remains, including crematories and mausoleums and meeting all applicable Local, State and Federal requirements and regulations.
9. **Church** — A facility principally used for people to gather for public worship, religious training, or other religious activities. One accessory dwelling for the housing of the pastor or similar leader of the church and their family will be considered accessory and incidental as a part of this use.
10. **Commercial Day Care/Preschool Center** - Any facility, at a nonresidential location and operated by a person qualified and licensed by the State of Utah, which provides children with day care and/or preschool instruction as a commercial business and complying with all State standards and licensing.

11. **Commercial Enclosed and Outside Storage of Automobiles, Watercraft, and Recreational Vehicles** - A building or land area where four (4) or more automobiles, watercraft, and/or recreational vehicles are stored for a period exceeding seventy-two (72) hours for a fee.
12. **Commercial Sales and Service** — An activity involving the sale of goods and services carried out for profit.
13. **Contractor's Shop/Office** — A facility providing building construction and maintenance including carpentry and the installation of plumbing, roofing, electrical, air conditioning, and heating.
14. **Contractor's Storage Yard** - A facility or land area for the storage of materials, equipment, and/or commercial vehicles utilized by building and construction contractors, craftsmen and tradesmen, and may include accessory offices related to such activities.
15. **Construction Trailer** — A trailer, or other temporary movable building, used for the housing of materials, or the location of a construction office, required during the duration of the establishment of any authorized building or structure, and which must be removed upon completion of construction.
16. **Dwelling - means a residential structure attached to real property that contains one to four units including any of the following if used as a residence:**
    a. a condominium unit;
    b. a cooperative unit;
    c. a manufactured home; or
    d. a house
17. **Domestic Livestock** — Animals. are the domesticated animals that are raised in an agricultural setting to provide labor and produce diversified products for consumption such as meat, eggs, milk, fur, leather, and wool.
18. **Equestrian Facilities** - A facility created and maintained for the purpose of accommodating, training, or competing equids. These facilities may include stables, corrals, rodeo arenas, and riding schools.
19. Equine - Any member of the horse family, including but not limited to horses, ponies, donkeys, mules, and zebras, whether domesticated or wild. This term encompasses animals used for riding, driving, draft, breeding, boarding, or other agricultural or recreational purposes.
20. **Fire Department Temporary Sleeping Quarters**: - Temporary sleeping quarters for use by fire department personnel while on duty. Must be on the same property as the Firehouse. May consist of bunkrooms, recreational vehicles, etc.
21. **Food Establishment** - An establishment where food and drink are prepared and served. This may included beer in accordance with Municipal Code 5.12.
22. **Golf Course** - A recreational facility primarily used for the purpose of playing golf, but which may include associated eating and drinking areas, retail sales areas and staff offices.
23. **Gravel Pit** — An open excavation or pit from which gravel or other stones or earthen materials are obtained by digging, cutting, or blasting.
24. **Guest Ranch and Resort** — A facility, including either a single building, permanent or semi-permanent camping facilities (glamping), or resort cabins, which serve as a

destination point for visitors and generally has recreational facilities for the use of guests and may include residential accommodations for guests. Guest residency is limited to no more than 90 days.

25. **Home Day Care** — The care for children who are family and non-family members in an occupied dwelling, and complying with all State standards and licensing, by the resident of that dwelling at least twice a week for more than three (3) children, but fewer than nine (9) children. The total number of children being cared for shall include children under the age of four (4) years residing in the dwelling, who are under the supervision of the provider during the period of time the child care is provided. When a care giver cares for only three (3) children under age two (2), the group size, at any given time shall not exceed six (6).
26. **Home Occupation (Major)** — An activity carried out for gain by a resident of the dwelling unit and conducted as a customary, incidental, and accessory use to the dwelling unit, or conducted on the same lot as the residents dwelling and provided that the Home Occupation (Major):
    a. Does not result in noise or vibration, light, odor, dust, smoke, or other air pollution greater than generally created by a residential use noticeable at or beyond the property line.
    b. May allow for the conduct of the Home Occupation (Major) and the storage of required materials and supplies in an accessory structure.
    c. Has signage limited to a non-illuminated identification sign six (6) square feet or less in size.
    d. Does not produce traffic volumes exceeding that produced by the dwelling unit by more than 10 average daily trips during any 24-hour period.
    e. Complies with all Federal and State licensing requirements.
    f. Complies with all Local licensing requirements.
27. **Home Occupation (Minor)** — An activity carried out for gain by a resident of the dwelling unit and conducted entirely within the dwelling unit as a incidental use and provided that the Home Occupation (Minor):
    a. Does not result in noise or vibration, light, odor, dust, smoke, or other air pollution greater than generally created by a residential use noticeable at or beyond the property line.
    b. Does not require the use of any accessory structure.
    c. Does not include any outside storage of goods, materials, or equipment.
    d. Signage is limited to a non-illuminated identification sign of six (6) square feet or less in size.
    e. Does not produce traffic volumes exceeding that produced by the dwelling unit by more than 10 average daily trips during any 24-hour period.
    f. Complies with all Federal and State licensing requirements.
    g. Complies with all Local licensing requirements.
28. **Home Preschool** — A preschool program and complying with all State standards and licensing for non-family members in an occupied dwelling, by residents of that dwelling, in which lessons are provided for not more than six (6) children for each session of instruction. Sessions shall last for not more than four (4) hours and shall not

overlap. Individual children may attend only one (1) preschool session in any 24-hour period.

29. **Hotel/Motel** — A building offering transient lodging accommodations to the general public and which may offer additional services, such as restaurants, meeting rooms, entertainment, and recreational facilities.

30. **Household Pets** — Domestic animals ordinarily permitted in a place of residence, kept for company and pleasure, such as dogs, cats, domestic birds, guinea pigs, white rats, rabbits, mice, pot-bellied pigs, pygmy goats, and other similar animals generally considered by the public to be kept as pets, excluding fowl.
31. **Kennel** — Any establishment at which four (4) or more dogs or cats are bred or raised for sale, boarded or cared for commercially or on a nonprofit basis.
32. **Light Manufacturing** — The assembly, fabrication or processing of goods and materials using processes that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building or lot where such assembly, fabrication or processing takes place, where such processes are housed entirely within a building, or where the area occupied by outdoor storage of goods and materials used in such processes does not exceed twenty-five percent of the floor area of all buildings on the property. Light manufacturing generally includes processing and fabrication of finished products, predominantly from previously prepared materials, and includes processes that do not require extensive floor areas or land areas.
33. **Manufactured Home** — A structure transportable in one or more sections, which is built on a permanent chassis and designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".
34. **Manufacturing, Processing, and Assembling** — Establishments engaged in the mechanical or chemical transformation of materials or substances into new products.
35. Monochrome — Being of relating to or made with a single color or hue. and involving and producing visual image in a single color or in varying tones of a single color.
36. **Multi-Family Residential Dwelling** — A building containing more than one (1) dwelling unit and complying with all requirements of the Zoning District in which it is located, including lot size and density requirements.
37. **Nits** — A unit of measurement for luminance, which quantifies how bright a surface (such as an LED sign or screen) appears to the human eye. Higher nits equals brighter display.
38. **Private Club** — Any nonprofit corporation operating as a social club, recreational, fraternal or athletic association, or kindred association organized primarily for the benefit of its stock holders or members.
39. **Professional Offices** — A building for the professions including but not limited to government, physicians, dentists, lawyers, realtors, architects, engineers, artists, musicians, designers, teachers, accountants and others who, through training, are qualified to perform services of a professional nature, and where no storage or sale of merchandise exists.
40. **Public Uses and Utilities** — A use operated exclusively by a public body or quasi-public body, such use having the purpose of serving the public health, safety or

general welfare, and including recreational facilities, administrative and service facilities, and public utilities including water and sewer facilities, gas and electricity facilities, cable television facilities, and telecommunications facilities, but excluding airports, prisons and animal control facilities.

41. **Recreational Vehicle Park** — An area of land upon which two or more campsites are located, established, or maintained for occupancy by a tent or recreational vehicle as a temporary dwelling unit for recreational or vacation purposes.
42. Recreational Vehicle Seasonal Use. - The placement and occupancy of a recreational vehicle, including a travel trailer, camping trailer, truck camper, or motor home, for more than sixteen (16) days within any thirty (30) day period, but not more than one hundred eighty (180) days in any calendar year, pursuant to a Town permit.
43. Recreational Vehicle Space - An approved space on a lot containing an existing permanent residential dwelling, designed to accommodate one recreational vehicle in compliance with this title and applicable utility requirements.
44. Recreational Vehicle Temporary Use - The short-term placement and occupancy of a recreational vehicle, including a travel trailer, camping trailer, truck camper, or motor home, for up to sixteen (16) days within any thirty (30) day period.
45. Recreational Vehicle Property Owner Occupant Exemption - A locally administered policy allowing the continuous occupancy of a recreational vehicle, including a travel trailer, camping trailer, truck camper, or motor home for a time period of up to one year under certain conditions and subject to specific health, safety and sanitation requirements.
46. **Residential Facility for Elderly Persons or for Persons with Disabilities** — A facility as defined by Sec. 17-27-103; Sec. 17-27-501; and Sec. 17-27-502, Utah Code Annotated, as amended or a residential dwelling (for four (4) or more persons) as licensed by the Utah Department of Human Services, Division of Services for People with Disabilities. Disability means a physical or mental impairment that substantially limits one or more of a person's major life activities, including a person having a record of such impairment or being regarded as having such impairment. (57-21-2(9)(a) Utah Code Annotated, 1953, as amended)..Disability does not include current illegal use of, or addiction to, any federally controlled substance. Disability does not include placement in lieu of confinement, rehabilitation, or treatment in a correctional facility.
47. **Salvage yard** — The use of any lot, portion of a lot, or land for the commercial storage, keeping or abandonment of junk, including scrap metals or other scrap material, or for the dismantling, demolition or abandonment of automobiles or other vehicles or machinery.
48. **School** — Any building or part thereof that is designed, constructed, or used for education or instruction by a public or private organization in any branch of knowledge, but excluding preschool center.
49. **Self-Service Storage Facility** — A structure, or structures, containing separate, individual, and/or private storage spaces of varying sizes leased or rented on individual leases for varying periods of time. Such facilities are to be used for dead storage only. The following activities are prohibited within any Self- Storage Service Facility:

    1. Commercial, wholesale or retail sales, or miscellaneous or garage sales.

2. The servicing, repair, or fabrication of motor vehicles, boats, trailers, small engine equipment, or similar equipment.
3. The operation of power tools, spray-painting equipment, compressors, welding equipment, kilns, or similar equipment.
4. The establishment of a transfer business.
5. Any use that is noxious or offensive because of odors, dust, noise, or vibrations.

Short Term Rental - A residential dwelling unit or a part of a dwelling unit, including an accessory dwelling unit, a single-family unit or multiple-family unit, being utilized by any person, other than the owner, as lodging on a daily, weekly, or any other basis for up to thirty (30) consecutive days, in exchange for rent. Nightly rental does not include the use of Dwelling for Commercial Uses.

Single-Family Dwelling — A building arranged or designed to be used for and containing one dwelling unit. All single family dwellings including new manufactured, modular, or site-built homes shall meet all applicable codes, ordinances and regulations and have the minimum floor square footage of particular zone in which the dwelling is located and a ratio of dwelling unit length to width of not more than four (4).

Telecommunications Site/Facility — A facility used for the transmission or reception of electromagnetic or electro-optic information, which is placed on a structure. This use does not include radio frequency equipment that has an effective radiated power of 100 watts or less. This use is not required to be located on a building lot or to comply with the minimum lot size requirement for the district in which it is located.

Temporary Dwelling Unit — A dwelling unit established for a limited period during the construction of a permanent structure unit and meeting all applicable codes, ordinances and regulations and located on a lot of record for which a valid Building Permit has been issued by the Town.

Temporary Use — A special event or use established for a maximum period of 45 days, such use being discontinued after the expiration of 45 days, as provided by Section 15.16.030 and conducted in compliance with all the requirements of this Ordinance.

Wholesale Business and Storage — Establishments or places of business primarily engaged in selling of merchandise to retailers; to industrial, commercial, institutional, or professional business users; to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

4H and/or Educational Projects — The keeping of domestic livestock and/or household pets for educational purposes, such activities being sponsored by an educational or agricultural organization.

SECTION 2: **AMENDMENT** "15.24.040 Location Of Mobile Homes, Travel Trailers, Recreational Vehicles, Boats, Camping Trailers, Truck Campers And Motor Homes" of the Big Water Zoning Code is hereby *amended* as follows:

AMENDMENT

15.24.040 Location Of Mobile Homes, Travel Trailers, Recreational Vehicles, Boats, Camping Trailers, Truck Campers And Motor Homes

The location, ~~or~~ storage, and limited occupancy of mobile homes, travel trailers, recreational vehicles, boats, camping trailers, motor homes and truck campers shall be subject to the following:

1. The location or storage of mobile homes, travel trailers, recreational vehicles, boats, camping trailers, motor homes and truck campers under ~~provided by~~ this ~~S~~section shall apply only to licensed, registered vehicles, where registration is required by law. ~~only.~~ No unlicensed, unregistered, wrecked, dismantled, or inoperable vehicle may be stored or kept that would constitute a nuisance.
2. ~~At no time shall a~~ Except as expressly allowed by Sections 15.24.045, 15.24.046, 15.24.047 and 15.24.048 no mobile home, travel trailer, recreational vehicle, boat, camping trailer, truck camper or motor home be continuously occupied or used for living or sleeping purposes.
3. If a mobile home, travel trailer, recreational vehicle, boat, camping trailer, truck camper or motor home is located or stored outside of a garage or carport, it shall be placed in the rear yard or side yard of the lot, except that placement in other than the rear yard or side yard for loading and unloading purposes may be permitted for a period of time not to exceed seventy-two (72) hours.
4. ~~The storage and location of all mobile homes, travel trailers, recreational vehicles, boats, camping trailersand truck campers provided by this Section shall be applicable to operable, licensed vehicles only. No unlicensed or inoperable vehicles shall be allowed to be located or stored under the provisions of this Section, or this Ordinance.~~ In the R-1 and R-2 zoning districts, the storage of a travel trailer, recreational vehicle, camping trailer, truck camper, boat, or motor home on a lot shall be permitted only where a lawfully existing principal use or principal structure is located on the same lot, unless otherwise approved pursuant to this title.
5. No compensation may be accepted for the placement or occupancy of a recreational vehicle on private property unless expressly authorized elsewhere in this title.

SECTION 3: **ADOPTION** "15.24.045 Recreational Vehicle Temporary Use" of the Big Water Zoning Code is hereby *added* as follows:

ADOPTION

15.24.045 Recreational Vehicle Temporary Use*(Added)*

A. Purpose. This section establishes standards for short-term temporary use of a recreational vehicle on a legal lot of record. B. Allowed Temporary Use. Recreational vehicle temporary use may occur on a legal lot of record in a zoning district where the use is not otherwise prohibited by this title, subject to the requirements of this section. C. Maximum Duration. 1. Temporary use may occur for up to sixteen (16) days within any thirty (30) day period. 2. After sixteen (16) days within any thirty (30) day period, the recreational vehicle shall be removed from the property unless approved pursuant to Section 15.24.046 or 15.24.047. D. Minimum Standards. 1. The recreational vehicle shall provide self-contained restroom facilities, or the occupant shall provide a lawful portable sanitation method. No human waste may be deposited on the ground or disposed of in violation of law. 2. All garbage and refuse shall be contained and removed from the property so that no trash is left loose or accumulated on site. 3. Campfires, if any, shall comply with all current fire restrictions and applicable law. 4. The temporary use shall not create a nuisance, health hazard, unsafe condition, traffic hazard, or unlawful utility connection. E. No Vested Right. Temporary recreational vehicle use under this section shall not create any right to permanent or long-term occupancy.

F. This section shall be administered and enforced by the Zoning Administrator or designee, including the authority to issue permits, conduct inspections, and enforce compliance with this title.

SECTION 4: **ADOPTION** "15.24.046 Recreational Vehicle Seasonal Use" of the Big Water Zoning Code is hereby *added* as follows:

ADOPTION

15.24.046 Recreational Vehicle Seasonal Use*(Added)*

A. Purpose. This section establishes standards for limited seasonal recreational vehicle use on property where such use can be safely accommodated and adequately serviced. B. Permit Required. No recreational vehicle shall be occupied or used for living or sleeping purposes for more than sixteen (16) days in any thirty (30) day period except pursuant to a valid permit issued by the Town under this section. C. Maximum Duration. Seasonal recreational vehicle use may be approved for more than sixteen (16) days in any thirty (30) day period, but in no event for more than one hundred eighty (180) days in any calendar year. D. Application Requirements. An applicant shall submit such forms, fees, site information, and supporting documentation as required by the Town, including at a minimum: 1. A site plan showing the proposed location of the recreational vehicle and setback compliance; 2. Proof of an approved culinary water source; 3. Proof of lawful sewage treatment, disposal, or containment, as

approved by the applicable health or environmental authority; 4. Proof of solid waste service if required by the Town; 5. Any other information reasonably required by the Zoning Administrator to determine compliance with this title and other applicable law. E. Utility And Health Requirements. 1. Any proposed water or wastewater service shall be subject to approval by the appropriate regulatory authority having jurisdiction. 2. No person may occupy a recreational vehicle under this section unless water, sewage, and sanitation provisions are adequate to protect public health and safety. F. Rental Prohibited. No person may receive compensation for the placement or occupancy of a seasonal recreational vehicle under this section unless the use is separately authorized by Town code. Seasonal RV use is prohibited as a short-term rental, campground, or park model substitute unless separately authorized by code

G. Compliance With Setbacks. The recreational vehicle shall be located in compliance with the setback requirements of the applicable zoning district. H. Revocation. A permit issued under this section may be revoked for violation of this title, failure to maintain required utility or sanitation service, creation of a nuisance, or any false statement in the application.

I. This section shall be administered and enforced by the Zoning Administrator or designee, including the authority to issue permits, conduct inspections, and enforce compliance with this title.

SECTION 5: **ADOPTION** "15.24.047 Recreational Vehicle Space" of the Big Water Zoning Code is hereby *added* as follows:

ADOPTION

15.24.047 Recreational Vehicle Space*(Added)*

A. Purpose. This section establishes standards for one recreational vehicle space accessory to an existing permanent residential dwelling. B. Eligibility. One recreational vehicle space may be established on a legal lot of record where: 1. A lawful permanent residential dwelling already exists on the same lot; and 2. The lot contains sufficient area to accommodate the recreational vehicle space in compliance with setback and other applicable requirements. C. Permit Required. No recreational vehicle may be placed for occupancy on a recreational vehicle space unless an administrative permit has first been obtained from the Town. D. Utility Requirements. The applicant shall provide sufficient information for the Town to determine that any proposed water, sewage, and electrical services are lawful and adequate. E. Solid Waste. The applicant shall provide proof of solid waste service if required by the Town. F. Rental Prohibited. No fee, rent, or other compensation shall be accepted for the placement or occupancy of a recreational vehicle on a recreational vehicle space authorized by this section unless otherwise expressly permitted by Town code. G. Setbacks. The recreational vehicle space shall comply with all applicable setbacks for the zoning district. H. Accessory Status. A

recreational vehicle authorized under this section shall not be deemed a permanent dwelling unit and shall not create a separate lot, dwelling, or vested land use right.

I. This section shall be administered and enforced by the Zoning Administrator or designee, including the authority to issue permits, conduct inspections, and enforce compliance with this title.

SECTION 6: **ADOPTION** "15.24.048 Property Owner - Occupant Conditional Exexption" of the Big Water Zoning Code is hereby *added* as follows:

ADOPTION

15.24.048 Property Owner - Occupant Conditional Exexption*(Added)*

Property Owner-Occupant Exemption.

Except for properties in any subdivisions, and for properties in any subdivisions with paved streets, curb, gutter, sidewalks and subject to private covenants and restrictions, the owner of a legal lot of record may, under certain conditions, apply for a conditional use permit (CUP) for extended occupancy of an RV or trailer for a period of up to one year. Conditional use for extended occupancy is only granted when verifiable and compelling circumstances justify an exception to the policy for practical or compassionate reasons. Circumstances that may compel a resident to request an extended occupancy CUP include but are not limited to construction of a primary residence, temporary health or economic challenges, major renovations making the primary residence unoccupiable. Applicants must provide evidence to support their eligibility, and meet the criteria outlined in section 15.24.046. Additionally, the applicant must affirm that:

- a) The property owner is the legal owner of record of the lot property described in the instrument affidavit by legal description and parcel number.
- b) The property owner is the occupant of the recreational vehicle; and the recreational vehicle is licensed, registered, insured and in good mechanical order
- c) The property owner consents to a safety inspection by the fire department
- d) The property owner consents to a site inspection by the Zoning Administrator
- e) All conditional use permits (CUP) must be renewed annually and are subject to revocation if the property owner is in violation of any of the stipulated requirement

This section shall be administered and enforced by the Zoning Administrator or designee, including the authority to issue permits, conduct inspections, and enforce compliance with this title.

SECTION 7: **AMENDMENT** "4.04.020 Permits/Licenses" of the Big Water Municipal Code is hereby *amended* as follows:

AMENDMENT

4.04.020 Permits/Licenses

Description	Fee
Dog License	$10
Solicitor/Vendor License	$25/Day | $50/Week
Alcohol License (Class A)	$125
Temporary RV Occupancy Permit	$50 includes fire inspection
Temporary Use Permit	$50
Law Enforcement	$75
Emergency Presence	Negotiated for Event
Business License	$75
Business License Fire Inspection	$25
Business Address Change	$10
Short-Term Rental Permit (requires an active business license)	$250
Business License (Non-Profit)	$0
Home Business/Occupation Permit	$25

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 Mark Gangola	_____	_____	_____	_____
Council member Jim Loyd	_____	_____	_____	_____

Presiding Officer

_____

David W. Schmuker, Mayor, Big Water Town

Attest

_____

Abigail Palsgrove, Clerk, Big Water Town