

ORDINANCE NO. 2025-06
AN ORDINANCE REPEALING AND REPLACING CHAPTER 15.14 OF THE PAROWAN CITY MUNICIPAL CODE
RELATING TO THE APPEAL AUTHORITY

ORDINANCE DATED MARCH 13th, 2025

WHEREAS, the City of Parowan recognizes the need to update its land use appeal and variance procedures to align with best practices and ensure efficient and fair decision-making; and

WHEREAS, the City has determined that replacing the Board of Adjustment with a single Appeal Authority individual, which will improve the effectiveness and consistency of land use appeals and variance decisions; and

WHEREAS, Utah State Code 10-9a-Part 7 requires municipalities to establish an Appeal Authority to hear and decide land use appeals and variance requests; and

WHEREAS, the Parowan City Planning Commission has reviewed and provided a favorable recommendation for this change; and

WHEREAS, the Parowan City Council has reviewed this change, held all required public meetings, and finds that these updates are in the best interest of the public health, safety, and general welfare of the residents of Parowan;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF PAROWAN, UTAH:

Section 1. Repeal and Replacement

Chapter 15.14 of the Parowan City Municipal Code is hereby repealed in its entirety and replaced with the following language:

15.14 Appeal Authority

15.14.010 Number Of Members, Appointment, Term And Removal, Vacancies

The Parowan City Appeal Authority shall consist of one (1) member, and shall serve for an undefined term. The Appeal Authority shall be appointed by the Mayor, with advice and consent of the City Council. The Appeal Authority shall be selected on the basis of technical qualifications in the area of municipal land use and should have a full understanding of Parowan City Ordinances and procedures. The Appeal Authority can be removed at any time, without

cause, at the will of the Council. A vacancy in the office, shall be replaced and appointed by the same procedure as stated above.

15.14.030 Duties And Powers Of The Appeal Authority

The Appeal Authority shall have the following powers:

1. To hear and decide appeals where it is alleged that there is error in any order, requirement, decision or determination made by the administrative official in the enforcement of this article or of any ordinance adopted pursuant thereto.
2. To hear and decide special exceptions to the terms of this Ordinance upon which such Appeal Authority is required to pass under the provisions of this Ordinance.
3. Any person or entity desiring a waiver or modification of the requirements of the zoning ordinance, as set forth herein, as applied to any parcel of property that he owns, leases, or in which he holds some other beneficial interest, may apply to the Appeal Authority for a variance from the terms of the zoning ordinance. To authorize upon appeal such variance from the terms of this Ordinance, the Appeal Authority may grant a variance only if it is shown that:
 1. literal enforcement of the zoning ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out of the general purpose of the zoning ordinance;
 2. there are special circumstances attached to the property that do not generally apply to other properties in the same district;
 3. granting the variance is essential to the enjoyment of a substantial property right possessed by the other property in the same district;
 4. the variance will not substantially effect the general plan and will not be contrary to the public interest; and
 5. the spirit of the zoning ordinance is observed and substantial justice done.
4. In determining whether or not enforcement of the Zoning Ordinance would cause unreasonable hardship under section (C)(1), the Appeal Authority may not find an unreasonable hardship unless the alleged hardship:
 1. is located on or associated with property for which the variance is sought; and
 2. comes from circumstances peculiar to the property not from conditions that are general to the neighborhood.

5. In determining whether or not enforcement of the Zoning Ordinance would cause unreasonable hardship under section (C)(1), the Appeal Authority may not find an unreasonable hardship if the hardship is self-imposed or economic.
6. In determining whether or not there are special circumstances attached to the property under section (C)(1), the Appeal Authority may find special circumstances exist only if the special circumstances:
 1. relate to the hardship complained of; and
 2. provide the property of privileges granted to other properties in the same district.
7. The applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.
8. Variances shall run with the land once approved and, upon approval, shall be recorded with the Iron County Recorder's Office.
9. The Appeal Authority or any other body may not grant a use of variance.
10. In granting a variance, the Appeal Authority may impose additional requirements on the applicant that will mitigate any harmful effects of the variance.

15.14.040 Meetings

Meetings of the Parowan City Appeal Authority shall be held at such other times as the Appeal Authority may determine. He/She may administer oaths and compel the attendance of witnesses. All meetings of the Parowan City Appeal Authority shall be open to the public.

15.14.050 Minutes

The Parowan City Appeal Authority shall keep minutes of its proceedings showing the vote of each member on each question, or if absent or failure to vote, indicating such fact and shall keep records of its examinations and other official actions, all of which shall be filed with the Parowan City Clerk and shall be public record.

15.14.070 Action To Be Taken

Approval or disapproval, rejection, or modified approval of an application shall be based upon findings which shall be made a part of the official record.

15.14.090 Appeals To Appeal Authority, Time, Persons Entitled, Transmission Of Papers

Appeals to the Parowan City Appeal Authority may be taken by any person aggrieved or by an officer, department, or board of Parowan City affected by any decision of the administrative

officer. Such appeal shall be taken within fifteen (15) days as provided by the rules of the Appeal Authority by filing with the officer from whom the appeal is taken and with the Parowan City Appeal Authority a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Parowan City Appeal Authority all the papers constituting the record upon which the action appealed was taken.

15.14.100 Stay Of Proceedings Pending Appeal

An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Parowan City Appeal Authority after the notice of appeal shall have been filed with him or her that by reason of facts stated in the certificate a stay would in his or her opinion cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by restraining order which may be granted by the Parowan City Appeal Authority or by District Court on application and notice and on due cause shown.

15.14.110 Decision On Appeal

In exercising the above-mentioned powers, the Parowan City Appeal Authority may, in conformity with the provisions of this Ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such other requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.

15.14.120 Rules

The Parowan City Council shall adopt rules for the regulation of the Appeal Authority's procedure and the conduct of its duties not inconsistent with the provisions of this Ordinance or of the State law.

15.14.130 Judicial Review Of Board's Decision - Time Limitations

The City of Parowan or any person aggrieved by any decision of the Parowan City Appeal Authority may have and maintain a plenary action for relief therefrom in any court of competent jurisdiction; provided petition for such relief is presented to the Court within thirty (30) days after the filing of such decision in the office of the Appeal Authority of City Recorder.

Section 2. Severability

If any section, clause, or provision of this ordinance is found to be invalid, the remainder shall remain in effect.

PASSED AND ADOPTED by the City Council and Mayor of the City of Parowan, Iron County, State of Utah, this 13th day of March 2025.

PAROWAN CITY

Mollie Halterman, Mayor

VOTING:	AYE NAY ABSTAIN ABSENT
David Burton	<input checked="" type="checkbox"/> _____
Rochell Topham	<input checked="" type="checkbox"/> _____
Sharon Downey	<input checked="" type="checkbox"/> _____
John Dean	<input checked="" type="checkbox"/> _____
David Harris	<input checked="" type="checkbox"/> _____

Attested by:

Callie Bassett
Callie Bassett, City Recorder



