



PAROWAN CITY PLANNING AND ZONING MEETING MINUTES
SEPTEMBER 18, 2024 – 6:00 P.M.
PAROWAN CITY COUNCIL CHAMBERS
35 E. 100 N., PAROWAN, UT 84761

Present: Larry Zajac, Chair; Tracey Wheeler (Alt); Troy Hoyt (Alt); David Burton (City Council); Weston Reese; Mayor Halterman; Dan Jessen (City Manager); Callie Bassett (City Recorder)

Absent: Heather Peet, Jamie Bonnet, Jerry Vesely

Call to Order

The meeting was called to order by Larry Zajac at 6 PM. The Planning and Zoning Commission commenced the meeting of September 18, 2024, in Parowan City.

Public Hearing to Receive Comments

Proposed Zone Change

The meeting opened with a public hearing to receive comments regarding a proposed zone change from single-family residential to highway services for parcel A-0511-0005-0036, at 811 West 200 South, Parowan, Utah. The applicant, Jenn Sullivan, presented her research on the property, noting several historic uses for the building, including a ski shop, a Yamaha repair shop, and an automotive parts store. Mrs. Sullivan detailed the non-residential nature of the building and the absence of features typically found in homes, such as a kitchen. She stated the building was commercial but zoned residential in error.

Further, Mrs. Sullivan explained efforts made to improve the property, which had been in disrepair and unused for 15 years. She informed the Commission that they had spoken to neighbors and had received no objections to the plan for that building. Commission members asked several questions about the history of the building's use, parking configurations, and support from the surrounding community.

Dan Jessen observed the zoning map for clarity on zoning classifications in the area, explaining that the adjacent real estate office is zoned commercial, while others are highway services. This was consistent with the applicant's rezoning request.

A motion was made to close the public hearing and commence the regular meeting by Troy Hoyt, seconded by Tracey Wheeler.

RESULT: Motion passed unanimously.

Declaration of Conflicts from Commission Members with Any Agenda Item

Larry Zajac asked Commission members if anyone had any conflicts of interest to declare. No conflicts were declared among those present.

Approval of Minutes from August 21, 2024 and September 4, 2024

Larry Zajac led a discussion concerning the minutes from previous meetings held on August 21 and September 4. There were specific revisions made to the August 21 minutes (as request by the commission) which were acceptable to the commission members. Larry stated that a correction to the September 4 minutes was needed. He noted that when discussing the zones where EADU's would be prohibited, General Commercial (GC-1), and Highway Services (HS-1) should have been included.

A motion to approve the minutes of August 21 as presented and September 4 with the afore mentioned amendments was moved by Troy Hoyt, seconded by Tracey Wheeler.
Result: Motion passed unanimously.

R-1 to HS-1 Rezone Discussion

Commission members revisited the discussion about rezoning from R-1 to HS-1 for the previously discussed property. Larry Zajac reiterated background research presented in the public hearing and detailed the neighborhood's history of development and zoning. The Commission scrutinized the area's compatibility with the proposed zoning change and sought to verify that this was consistent with the local area's community character.

Encouraged by research and public feedback, the Commission proposed a positive recommendation for the rezone.

"I make a motion that we recommend to the City Council that the property referenced on number 5 of our agenda, parcel A-0511-5005-0036, be rezoned from R-1A to HS-1." Motion made by Troy Hoyt, seconded by Tracey Wheeler.

Result: Motion passed unanimously.

Noticing Discussion

The Commission discussed revisions to the noticing requirements for conditional use permits and zoning changes. They discussed notification processes, such as ensuring property owners within 300 feet of the affected property were informed, and addressed discrepancies regarding previous public postings. Demonstrations were made regarding regulatory obligations and streamlined administrative processes.

A motion was made to recommend revised noticing codes to the City Council.

"I move that we recommend that the City Council adopt the changes as reflected on our draft code regarding Municipal Codes 1502.055, 1502.155, and 1502.156." Motion made by Troy Hoyt, seconded by Tracey Wheeler.

Result: Motion passed.

EADU Draft Code Review

The Commission reviewed the drafted External Accessory Dwelling Unit (EADU) code, extensively discussing aspects such as classifications of primary and auxiliary units when initiating property developments (see attached code with revisions). Provisions for unit classification changes or restrictions based on property layouts were examined.

After significant deliberation, amendments were proposed to clauses in the EADU proposals, suggestions of striking H(2), rephrasing H(5) to say, "*An existing dwelling unit may be converted to an External Accessory Dwelling Unit subject to the same criteria as an EADU as defined by this chapter,*" and special consideration for the code's uniform implementation.

"I move that we recommend Draft Code Revision 6 concerning external accessory dwelling units to the city council, including the discussed changes to item 5 and the elimination of point H2." Motion made by Troy Hoyt, seconded by Tracey Wheeler.

Result: Motion passed unanimously.

Code Definitions

No substantive discussion was needed for the code definitions, as the definitions were previously approved. It was noted these would be going for public hearing shortly.

Short Term Rentals Discussion

Discussion centered around the allowances and limitations applicable to short-term rentals, examining considerations such as property rights, managing interest groups, enforcement concerns, and regulatory compliance. Topics included parking management, tenant limitations, and health & safety inspections for short-term rental properties. It was acknowledged that further refinement of related definitions and considerations would assist in appropriate code enrollments.

Various philosophies about regulatory approaches were discussed, namely covering owner accountability and potential limitations on short-term unit distributions.

Reports

Member Reports

No specific reports were given by individual Commission members. Generally, a sense of progressive closure on ongoing docket items appeared to be recognized, noting relevance looking forward to subsequent developments and meetings.

Adjourn

A motion to adjourn the meeting was made by Troy Hoyt and seconded by Tracey Wheeler.
Result: Motion passed unanimously.

The meeting was adjourned at 8:24 p.m., and members expressed appreciation for the consolidated efforts toward progress and next steps.



Callie Bassett, CMC
City Recorder

Date Approved: 10/02/2024

External Accessory Dwelling Unit (EADU) Draft Code Rev 6

15.49 External Accessory Dwelling Units

15.49.010 Purpose

The purpose of this ordinance is to establish regulations for the construction and use of External Accessory Dwelling Units (EADUs) within the city limits of the City of Parowan; requiring a permit for the construction of such accessory dwellings; providing standards for placement on a lot; and to establish enforcement provisions for this ordinance.

15.49.020 Requirements

- A. Number of Accessory Units per Parcel: One accessory Dwelling unit (ADU) shall be allowed on parcels zoned for and containing one (1) single-family dwelling.
- B. One (1) internal accessory dwelling unit or one (1) external accessory dwelling unit shall be allowed on a lot or parcel if;
 - 1. The zoning district description lists accessory dwellings as a permitted use and;
 - 2. There is an existing primary dwelling or one under construction and;
 - 3. There is not an existing Internal ADU in the primary residence.
- C. EADUs shall not be built within a public utility easement.
- D. EADUs shall not be permitted within a mobile home or within the property area of a mobile home.
- E. EADUs shall not be permitted within the boundaries of a Planned Unit Development (PUD).
- F. EADUs shall not be permitted if duplexes, twin homes, or multiple family dwellings are located on the same lot.
- G. Recreational coaches or recreational vehicles such as travel trailers, 5th wheel trailers, motor homes, tent campers, camp cars, or other vehicles with or without motive power, designed and/or constructed to travel on the public thoroughfare in accordance with the provisions of the Utah Vehicle Code, and designed for use as human habitation or a temporary and recreational nature shall not be used as an ADU.
 - 1. An ADU may be approved so long as the proposed accessory dwelling unit:
 - a. Is constructed as a habitable structure added to, created within, or detached from a primary single-family dwelling and contained on one lot or parcel;
 - b. Internal Accessory Dwelling Units shall be constructed and used for the primary purpose of offering a long-term rental of 30 consecutive days or longer;

External Accessory Dwelling Unit (EADU) Draft Code Rev 6

- c. External Accessory Dwelling Units may be used as short-term rentals (30 consecutive days or less) and shall do so in compliance with PMC 15.60 “Home Occupations” and Parowan business license requirements;
 - d. Does not violate any required setbacks for front, rear or side yards or from other buildings or structures;
 - e. Does not violate any local building codes and;
 - f. Does not violate any other Parowan City ordinance.
- H. External Accessory Dwelling Units;
- 1. Are considered to be primary dwelling units when they are the only permanent dwelling units on a site or lot.
 - ~~2. May become external accessory dwelling units if a primary dwelling unit is constructed on the same site or lot.~~
 - 3. The City determines whether an ADU is classed as Internal or External.
 - 4. All EADUs shall meet the provisions of the currently adopted Building, Health, and Fire Codes.
 - 5. An existing ~~detached~~ dwelling unit may be converted to an External Accessory Dwelling Unit subject to the same criteria as an EADU, *as defined by this chapter.*
- I. **Parking** – External Accessory Dwelling Units: One space per bedroom and any required parking spaces lost due to the creation of the unit shall be replaced. Tandem parking is not allowed for ADUs.
- J. **Occupancy** – The City shall not issue a permit for any Accessory Dwelling Unit unless an owner-occupant lives on the property within either the primary residence or the ADU.
- K. **Utilities** – Separate utility connections and separate utility meters for EADUs are allowed with the payment of impact fees and other associated fees which may include fees for water rights.
- 1. EADUs shall have a separate address from the primary residence if separate utility connections and meters are installed.
 - 2. An EADU shall not be permitted on a property with a failing septic tank.
- L. **Size and location requirements for External Accessory Dwellings**
- 1. External accessory dwelling units (EADU’s) shall occupy the same lot as the main use or building and shall be located at least ten feet from the main building or any other building or structure. EADU’s shall be setback at least 25 feet from any front property line, at least 10 feet from any side property line, and at least 10 feet from any rear property line.
 - 2. The EADU and all accessory structures combined on a front, side, or rear yard area shall not cover more than twenty-five percent (25%) of the respective yard area;
 - a. The rear yard area is the area lying between the rear lot line and rear wall of the primary dwelling extended to the side lot lines.

External Accessory Dwelling Unit (EADU)
Draft Code Rev 6

- b. The front yard area is the area lying between the front lot line and front wall of the primary dwelling extended to the side lot lines.
- 3. In no case shall an EADU exceed 50% of the square footage of the primary dwelling on the property.
- 4. The minimum size of an EADU shall not be less than 476 SF.
- 5. Height: The maximum height of a detached accessory building containing an accessory dwelling unit shall not exceed the height of the single-family dwelling on the property or exceed twenty-five feet (25') in height, whichever is less.