

**Parowan City Planning and Zoning Minutes  
December 20, 2023 – 6:00 P.M.  
35 East 100 North – Council Chambers**

**MEMBERS PRESENT:** Larry Zajac (Chair), Heather Peet, Jerry Vesely, Jamie Bonnett, David Burton (Council Representative)

**STAFF AND COUNCIL PRESENT:** Scott Burns (City Attorney), Dan Jessen (City Manager), Keith Naylor (Zoning), Judy Schiers (Secretary)

**PUBLIC PRESENT:** Ember Kerr, Jenn Sullivan

**CALL TO ORDER:** Larry Zajac called the meeting to order at 6:00 P.M.

**ANY CONFLICTS WITH ITEMS ON THE AGENDA:** No conflicts were declared.

**APPROVAL OF MINUTES (NOVEMBER 15, 2023):** Heather Peet made a motion to approve the minutes from the November 15, 2023 meeting. Jerry Vesely seconded the motion with all members present voting in favor and the motion passed. After the minutes were approved, David Burton wanted to amend the minutes on page two to say "water has to be pre-December 31, 1949". He said he didn't want any misunderstanding. Heather Peet made a motion to amend the minutes with the amendment "pre- December 31,1949". Jerry Vesely seconded the motion. All members present voted in favor of the amendment and the motion passed.

**SHORT TERM RENTAL ADU – 94 NORTH 100 EAST:** Dan said that this item usually doesn't come to the Planning Commission, but this is a little different. This is a historic property but not in the historic district. This home is in the R2 Zone and a Bed and Breakfast is a permitted use in that zone. This is actually not considered a short-term rental; it is operated as a bed and breakfast.

Ember Kerr (Architect) said on the site plan there is the existing historic home and a storage facility in the back. They want to add a garage and a commercial kitchen behind the garage with an upstairs bedroom, bathroom and living quarters.

Dan said he thought the small storage facility was going to be turned into living quarters. Jenn Sullivan (Bed and Breakfast Manager) said that she had approached the prior City Manager about putting living quarters in that building, but because it was too close to the fence line, that was not allowed. She said they are now wanting to add an additional building that will add a commercial kitchen and a place for the innkeeper to be on premises, but not utilizing the rooms in the house.

Dan said if this were a residence in a residential area, this would be referred to as an ADU. This is an extension of the bed and breakfast. He said he is looking at the site plan and thinks there may be a setback issue.

There was a discussion about the setback area and what is considered to be the front of the house. This house sits on a corner lot.

Dan read from the R2 – Modifying regulations code:

Side Yards. Main buildings other than dwellings shall have a minimum side yard of eight (8) feet, and the total of the two (2) side yards shall be twenty (20) feet. Private garages and other accessory buildings located at least ten (10) feet behind the main building may have a side yard of two (2) feet, except that the street side yard of a corner lot shall be the same as the front yard setback required for that district.

Rear Yard. Private garages and accessory buildings located at least ten (10) feet behind the main building may have a rear yard of two (2) feet provided that on corner lots rearing on the side of another lot the minimum rear yard for all buildings shall be the same as the minimum side yard requirement of the zoning district.

Dan said he doesn't see that it could be two feet, if it is a side yard or back yard.

Larry said there are a number of challenges in building an accessory building, one is two stories. Larry read through Parowan City Code 15-04-020 Definitions (11) Bed and Breakfast Inn.

Bed and Breakfast Inn: A commercial establishment for the purpose of nightly rental of accommodations, with the provision of the breakfast meal included in the rental fee. A Bed and Breakfast Inn is primarily intended to be a conditional use within a residential zone. A Bed and Breakfast Inn must meet the following criteria:

1. Must be an existing structure that is deemed suitable for occupancy and public use as required by the Uniform Building Code and all other applicable codes and ordinances.
2. Must not have more than four (4) rentable guest rooms.

Jenn Sullivan said that they currently have four rentable guest rooms.

3. Owner/Operator must reside on the premises.

Jenn said that the owner does reside on the premises.

4. Off-street parking must be provided; two (2) spaces for owner/operator and one (1) space per guest room.

Jenn said that they meet the parking requirements.

5. There may be one sign, not to exceed nine (9) square feet on size, the maximum dimension on a side not to exceed four and one-half (4.5) feet. The sign must be made of wood, stone, or brick. Artificial illumination of the sign may be accomplished only by the use of external, low-level, unobtrusive flood lamps.
6. The establishment must be on a street that meets Parowan City standards and Fire Code width requirements.

7. Modifications to the appearance and size of the structure should be in keeping with the residential character of the neighborhood within which the establishment is located. If modifications to the existing structure are made, they may not include separate outside entrances to the guest rooms.
8. The site must be landscaped so as to minimize the aesthetic impact on the neighboring properties and to maintain the residential character of the neighborhood within which the establishment is located.

Jamie had a question on the height requirement. Larry read from City Code 15-08-150.

15.08.150 Maximum Height Of Accessory Buildings

No accessory building that is constructed in a one-family, two-family or multi-family zone shall be erected to a height greater than one (1) story, not to exceed twenty (20) feet, when located closer to a neighboring property boundary or lot line than that which is permitted by the main residential structure. If the accessory building is located within the rear and side yard set-backs for the main residential structure, the accessory building may not exceed the maximum height allowed in that zone.

He also read from Parowan City Code 15.08.100

15-08.100 Area Of Accessory Buildings

No accessory building or group of accessory buildings in any residential zone shall cover more than twenty-five (25) percent of the rear yard. Exceptions to this requirement may be granted by conditional use permit.

He said that this lot is 138 X 132 which is 8,216 square feet. The rear yard is 5,280 square feet. The existing building is not to scale but he estimated approximately 15X32. Jenn said she believes it is 26X16. Larry said that would be approximately 400 square feet. The new proposed building is 1680 square feet. Both of the accessory buildings together would put it over the rear yard requirement.

The commission further discussed this issue and talked about existing structures around town that do not meet the requirements. Dan said that even though some have not been built to code doesn't mean we can disregard the requirements and say our code doesn't matter. It was suggested to attach the building to the main home.

Ember said that she will continue talks with the owner and manager to see if attaching the building to the main house is something they would consider and maybe moving where the building would be placed.

**STORAGE CONTAINER PERMIT:** The committee went through the storage container permit and made some changes to help administer the permit. Judy will work on those changes.

**HELICOPTER LANDINGS NEAR RESIDENCES:** Dan said he has had someone interested in pulling a building permit that will ask for a helicopter landing pad on his property. He said that a City up north had to have an emergency council meeting to address this issue. Someone landed a helicopter on top of a residential roof and the neighbors insisted that the City Council do something about this. The council voted to ban allowing helicopters in residential areas.

Dan said that he has talked with our attorney and believes he has come up with a solution. He proposes to put something in the Health and Safety area of our code that says helicopter landings are not permitted within Parowan City, with the exception of special events and emergency services. This way it does not have to go through the Zoning Ordinance and all the regulations required to add this as an ordinance in that code.

Larry said he has done some research on helicopter noise, and even though manufacturers are trying to make them quieter, they generate noise from the tail and the engine. He said depending on air density and altitudes and weather, the noise can be louder at times. Jerry said there is also an issue with veterans and the noises. Heather said she talked with the developer of the subdivision and they were not happy that this was even a discussion and never thought that would be something they needed in their CCRs.

Dan said he will put this on the next City Council agenda, if the Planning and Zoning Committee is okay to handle it this way. The committee agreed that would be a good idea.

**MEMBER REPORTS:** Larry told the committee if they were not able to watch the Envision Utah Academy presentation, it was recorded and there are links to different sights in the presentation. Heather said there was a lot of good information and the slides are also be available.

Larry asked the Planning and Zoning members to look at HB 206 – Airport Land Use Amendments. This is something that we will need to be prepared to discuss and make changes to our ordinance.

He said that if we are able to get it noticed in time, we will have a public hearing on the Active Transportation Plan at the next meeting. We will need to make a recommendation to the City Council for amendment to the General Plan.

Larry said that he will not be at the January 17<sup>th</sup>, 2024 meeting.

**ADJOURN:** Heather Peet made a motion to adjourn the meeting at 7:38 p.m. Jerry Vesely seconded the motion and the meeting was adjourned.