

PAROWAN CITY ORDINANCE NO. 2025-15

**AN ORDINANCE ADDING SECTION 14.14.170 TO THE PAROWAN CITY CODE ESTABLISHING
OPEN SPACE REQUIREMENTS IN NEW RESIDENTIAL SUBDIVISIONS**

WHEREAS, Parowan City's General Plan emphasizes the preservation of the City's rural character, natural beauty, and access to recreational opportunities as essential components of community well-being; and

WHEREAS, the City Council recognizes that new residential growth should contribute equitably to the creation and maintenance of meaningful open spaces, parks, and trail systems that serve both current and future residents; and

WHEREAS, unmanaged subdivision development can diminish opportunities for neighborhood recreation, connectivity, and scenic preservation unless coordinated open space standards are applied; and

WHEREAS, the City Council finds that clear, consistent requirements for open space land dedication or payment of fees in lieu will promote fairness among developers, support long-term park and trail investment, and ensure that all new development contributes to Parowan's recreational and environmental goals; and

WHEREAS, Utah Code §§10-9a-401 through 10-9a-510 authorize municipalities to regulate subdivision design and require the dedication of land or fees to serve the needs created by new development; and

WHEREAS, the Parowan City Planning Commission has conducted a duly noticed public hearing and recommended approval of the open space provisions; and

WHEREAS, the Parowan City Council, after public notice and hearing, finds that adopting this ordinance serves the public health, safety, and welfare and advances the goals of the City's General Plan;

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

SECTION 1. ADDITION OF SECTION 14.14.170 – OPEN SPACE REQUIRED IN NEW RESIDENTIAL SUBDIVISIONS

A new section, Section 14.14.170, is hereby added to Chapter 14.14 of the Parowan City Code, to read as follows:

14.14.170 – Open Space Required in New Residential Subdivisions

A. Purpose. To ensure that new residential development contributes fairly to the provision of meaningful open space and parkland, and to support long-term recreation needs and community quality of life in Parowan City.

B. Definitions

1. **Active Recreation Area** – means a space designed and improved for recreational activities requiring developed facilities, including but not limited to playgrounds, sports courts, ball fields, and picnic shelters.
2. **Common Open Space** – means land within a development that is not individually owned or dedicated to the general public, but is designed and intended for the exclusive shared use or enjoyment of residents or members of the development. Common open space may include natural areas, trails, landscaped buffers, or recreation areas, and is maintained by a homeowners' association or similar entity.
3. **Open Space In-Lieu-Fee** – means a monetary payment made by a developer to the City in place of dedicating land for open space, to be used for acquisition, development, or improvement of public parks, trails, or recreational facilities.
4. **Improved Open Space** – means land that is graded, landscaped, or otherwise enhanced with amenities such as trails, benches, lighting, or recreational features to support active or passive use.
5. **Natural Open Space** – means land preserved in its natural state for conservation, drainage, visual buffering, or passive recreation. It may include wetlands, stream corridors, hillsides, or other undeveloped features with limited disturbance.
6. **Neighborhood Park** – means a City-owned and maintained park, generally serving the recreation needs of nearby residents, with typical features such as playgrounds, open play fields, picnic areas, and walking paths.
7. **Open Space** – means land within or adjacent to a development that is preserved or improved for public or common use and is not occupied by streets, structures, parking

areas, or private yards. Open space includes natural areas, parks, trails, landscaped buffers, or recreation amenities, as further defined herein.

8. **Open Space Land Dedication** – means the conveyance of land to the City by a developer for the purpose of establishing or expanding lands dedicated for open space, a public park, trail, or recreational facility.
9. **Passive Recreation** – means leisure activities that do not require highly developed facilities, such as walking, birdwatching, or picnicking in a natural or landscaped setting.
10. **Private Open Space** – means land within a development that is intended for open space or recreational use by a specific lot or resident, and not shared among the broader community or public. Examples include private yards, patios, or restricted-access gardens.
11. **Public Open Space** – means land that is dedicated to and maintained by the City for use by the general public for recreation, conservation, or aesthetic purposes.
12. **Trail Corridor** – means a designated linear open space that provides public or shared pedestrian, bicycle, or multi-use connectivity through or between developments, often linking neighborhoods to parks, schools, or other community features.

C. Applicability. This section applies to all residential subdivisions of three (3) or more lots.

D. Open Space Land Dedication. As a part of the subdivision process, the subdivider shall dedicate a percentage of the gross area of land to the City for public open space and/or public parks as dictated by the zone(s) within the subdivision. The percentage required by zone is as follows:

1. RE – Rural Estates Zone: No open space dedication or fee-in-lieu is required, due to the large lot sizes and low density of development.
2. R-1, R-1A, & A-1 – Low Density Residential Zone: Subdivisions shall provide open space exactions equal to 1.5% of the gross area of the subdivision
3. R-2 – Medium Density Residential Zone: Subdivisions shall provide open space exactions equal to 3% of the gross area of the subdivision.
4. R-3 – High Density Residential Zone, PUDs, and MPDs: Subdivisions shall provide open space exactions equal to 5% of the gross area of the subdivision.

Dedicated land must:

1. Be reasonably shaped, accessible by public road or trail, and suitable for active or passive recreation;
2. Not be encumbered by steep slopes, drainage facilities, or utility easements unless accepted by the City for open space purposes.

E. Fee in Lieu of Open Space Land Dedication

1. Less-Than Ten (10)-Acre Exemption. For subdivisions under ten (10) acres in gross area, or where land dedication is determined by the City to be impractical or inconsistent with open space planning, a fee may be paid in lieu of open space land dedication. However, if a subdivision is part of a larger phased subdivision project, this exemption cannot be used to avoid the requirement of this section. Instead, a land dedication for the entire project should be coordinated with the City to satisfy the land dedication requirement for the entire project.
2. If approved, the In-Lieu Fee shall be based on the per-acre value of land in the area and the amount of land that would otherwise be required to be dedicated.
3. In-Lieu Fee Calculation. The amount of the fee shall be calculated as follows:
 - a) The fee shall equal the fair market value of the amount of land that would otherwise have been dedicated, as determined by:
 - i) A standard per-acre land value table included in the City's current fee schedule established and periodically updated by resolution of the City Council; or
 - ii) A recent appraisal submitted by the developer and accepted by the City.
 - b) The required land area shall be based on the percentage established in this section, applied to the gross area of the proposed subdivision.
 - c) If a developer disputes the land value set by the City, the developer may submit an independent appraisal for review and final determination by the City Council.

F. Additional Open Space in High-Density or Clustered Development

1. In Planned Unit Developments (PUDs) or Master Planned Developments (MPDs) with density area(s) greater than allowed in the R-3 zone, the developer shall provide additional usable common or public open space, above and beyond the land required to be dedicated to the City under this section.

2. Required additional private or common open space shall be:
 - a. At least five percent (5%) of the gross site area;
 - b. Centrally located or otherwise accessible to the majority of residential units;
 - c. Maintained by an HOA, owner's association, or similar mechanism; and
 - d. Improved with amenities appropriate to the scale of development (e.g., play areas, trails, gardens, seating areas, or landscaped greenspace).

G. Credits and Adjustments. Where trails, natural buffers, or floodways are preserved as part of a larger City-identified open space network, the City may, but is not required to, credit these areas toward the open space land dedication requirement if:

1. They serve a recreational or connectivity function; and
2. They are improved and accessible to the public; and
3. The Planning Commission approves the credit or adjustment.

H. Administration

1. Open space land dedication proposals and/or in-lieu fee proposals and calculations shall be reviewed by City staff and approved through the subdivision review process.
2. Open space in-lieu fee payments shall be placed in a dedicated Parks Reserve Fund and used only for acquisition or improvement of public parkland and/or open space.

(Example) Open Space In-Lieu Fee Calculator Table

<u>Zone</u>	<u>Percentage Requirement</u>	<u>Land Value (per acre)</u>	<u>Required Open Space Acreage</u>	<u>Fee per Acre of Subdivision</u>
A-1, R-1, R-1A	1.5%	\$30,000	0.015 acres	\$450
R-2	3%	\$40,000	0.03 acres	\$1,200
R-3	5%	\$50,000	0.05 acres	\$2,500

(Example) Calculation:

Subdivision Details:

- R-2 Zone = 3% of gross acreage requirement
- Subdivision size = 8 acres (below dedication threshold)
- Land value per acre = \$40,000 (actual value established by current City Fee Schedule)

Required Open Space acreage: 3% of 8 acres = 0.24 acres

Total In-Lieu Fee: $0.24 \times \$40,000 = \$9,600$

SECTION 2. CODIFICATION

This ordinance shall be codified as Parowan City Code §14.14.170, and the City Recorder is authorized to make minor formatting and numbering adjustments necessary for codification.

SECTION 3. SEVERABILITY

If any provision of this ordinance is found to be invalid by a court of competent jurisdiction, the remaining provisions shall remain in full force and effect.

SECTION 4. EFFECTIVE DATE

This ordinance shall take effect immediately upon publication or posting as required by Utah law.

PASSED AND ADOPTED by the City Council and Mayor of the City of Parowan, Iron County, State of Utah, this 9th day of October 2025.

PAROWAN CITY

Mollie Halterman, Mayor

VOTING:

AYE | NAY | ABSTAIN | ABSENT

David Burton

☒ AYE ☐ NAY ☐ ABSTAIN ☐ ABSENT

Rochell Topham

☒ AYE ☐ NAY ☐ ABSTAIN ☐ ABSENT

Sharon Downey

☒ AYE ☐ NAY ☐ ABSTAIN ☐ ABSENT

John Dean

☒ AYE ☐ NAY ☐ ABSTAIN ☐ ABSENT

David Harris

☒ AYE ☐ NAY ☐ ABSTAIN ☐ ABSENT

Attested by:

Callie Bassett

Callie Bassett, City Recorder

