16.33.102

16.33.102: TABLE 33-2, TABLE OF USES, NONRESIDENTIAL ZONING DISTRICTS:

I Class I uses are determined to be temporary uses, subject to the requirements of chapter 14 of this title.
II Class II uses are determined to be permitted uses, subject to the requirements of chapter 15 of this title.
III Class III uses are determined to be permitted uses, subject to the requirements of chapter 15 of this title.
IV Class IV uses are determined to be conditional uses, subject to the requirements of chapter 16 of this title.
V Class V uses are determined to be conditional uses, subject to the requirements of chapter 16 of this title.

A use identified by "X" is determined to be a prohibited use in the zoning district.
A use not identified in the table below is determined to be a prohibited use within Ivins City.

Use	CN	C-1	RC	CLM	RMU	CPR
Accessory building. A building customarily incidental and clearly subordinate to the existing primary building and located on the same lot as the primary building, and meeting all requirements of the Building Code and land use ordinances, as adopted by the City. (See sections 16.12.103, 16.12.104, and 16.12.105 of this title.)	II	II	II	II	II	II
Accessory dwelling unit for owner or employee. An attached, or detached, dwelling unit for an employee or owner and incidental and clearly subordinate to the existing primary building or use and located on the same lot as the primary building or use, and meeting all requirements of the Building Code and land use ordinances, as adopted by the City. (See section 16.12.106 of this title.)	III	III	III	III	III	III
Accessory use. A use clearly incidental and subordinate to the existing primary use and customarily found in connection with the primary use and located on the same lot as the primary use. (See section 16.12.103 of this title.)	II	II	II	II	II	II
Agricultural building. A structure used solely in conjunction with an allowed agriculture use, and not for human occupancy, and complying with the requirements of section 15A-1-204(7)(a)(b)(i)(ii)(A)(B), Utah Code Annotated.	II	II	II	II	II	II

16.33.102

Use	CN	C-1	RC	CLM	RMU	CPR
Agriculture. An area of 5 contiguous acres, or larger, which is used for the commercial production, keeping, or maintenance for sale of plants and domestic animals typically found in southern Utah, or lands devoted to a soil conservation or forestry management program, but excluding the keeping of exotic animals, "commercial plant nursery", as defined herein, concentrated animal feeding operation, and subject to the Utah pollutant discharge elimination system (UPDES), or similar activities.	II	II	II	II	II	II
Alcoholic beverage establishments. As defined in the Ivins City alcoholic beverage control ordinance~~, and including definitions for class A, B, C, D, and E alcoholic beverage control licenses~~.	As allowed and provided for by the Ivins City alcoholic beverage control ordinance, as amended.					
Animal hospital (veterinary clinic), with outdoor holding facilities. A facility for the diagnosis, treatment, hospitalization, and boarding of animals and includes outdoor holding facilities.	X	X	X	V	X	X
Animal hospital (veterinary clinic), without outdoor holding facilities. A facility for the diagnosis, treatment, hospitalization, and boarding of animals and does not include outdoor holding facilities.	IV ?	IV	X	III	X	X
Art studio. A building or workshop area for artists, sculptors, photographers, or similar arts professionals, and their assistants and staff, which shall include an area open to the public for the display and sale of original works of art made on the premises. Processes utilized may not create smoke, fumes, noise, and nuisance or health hazards outside the building.	III	III	III	III	III	X
Art workshop. A building or workshop area for artists, sculptors, photographers, or similar arts professionals, and their assistants and staff, which may include an area open to the public for the display and sale of original and/or mass produced works of art made on the premises. Processes utilized may not create smoke, fumes, noise, and nuisance or health safety hazards outside the building. This does not require a retail operation.	X	IV	IV	IV	IV	IV

16.33.102

Use	CN	C-1	RC	CLM	RMU	CPR
Automotive self-service station. A place where flammable or combustible liquids or gases used as fuel are stored and dispersed from fixed equipment into the fuel tanks of motor vehicles. Such an establishment may offer the retail sale of convenience items as an accessory use, provided such area for the sale of convenience items does not exceed 3,000 square feet of gross floor area. The maximum square footage of any canopies associated with gasoline pumps shall be no more than 2,500 square feet, or the gross square footage of the primary structure, whichever is less. Automotive self-service station specifically excludes and does not allow any servicing, repair or maintenance of motor vehicles, trailers, and similar mechanical equipment, including engine, brake, muffler, tire repair and change, lubrication and tune ups.	X	V	X	X	X	X
Bank, credit union or other financial institution. A financial company or corporation providing the extension of credit, and the custody, loan or exchange of money. A bank, credit union or other financial institution proposing to provide drive-through service shall be required to secure a conditional use permit approval for such drive-through facility as provided herein.	III	III	III	III	III	III Secondary
Bed and breakfast inn. A residential structure, located on a legal lot (as defined in chapter 34 of this title), offering transient lodging accommodations in separate guestrooms and where meals may be provided. A bed and breakfast inn shall provide no more than 3 guestrooms and shall meet all applicable requirements of the building code and land use ordinances, as adopted by the city. A guestroom is 1 room having no kitchen facilities. (See section 16.12.116 of this title.) Bed and breakfast inn is determined to be a commercial business for the purposes of the Written Text for Padre Canyon Estates phases 1, 2, and 3 and a prohibited use in Padre Canyon Estates phases 1, 2, and 3. (See appendix A of this title.)	IV	III	III	X	III	X
Billboard. A freestanding sign designed or intended to direct attention to a business, product, or service that is not provided, sold, offered, or existing on the property where the sign is located.	X	X	X	X	X	X
Car wash. A structure with machine, or hand operated facilities used principally for the cleaning, washing, polishing, or waxing of motor vehicles. A facility of this type may be able to accommodate more than 1 vehicle at the same time.	X	IV	X	IV	X	X

16.33.102

Use	CN	C-1	RC	CLM	RMU	CPR
Church. A facility principally used as a location for people to gather for religious worship or other religious activities. 1 accessory dwelling unit for the housing of the pastor or similar church leader of the church and their family shall be permitted.	IV	IV	IV	IV	IV	IV
Class I use. A special event or use established for a maximum period of 45 days, such event, or use being discontinued after the expiration of 45 days, and conducted in compliance with all the requirements of this title. Such use shall be allowed only after the approval of a class I use application, as established by the provisions of this title. (See chapter 14 of this title.)	I	I	I	I	I	I
Commercial daycare/preschool center. A facility, operated by a person qualified and licensed by the state of Utah, which provides children with daycare and/or preschool instruction as a commercial business and complying with all applicable state standards and licensing.	X	IV	IV	X	IV	IV Secondary
Commercial kennel. Any premises or establishment where 4 or more dogs, older than 4 months, are kept for the purpose of boarding, breeding, raising or training dogs for a fee or on a nonprofit basis. (See section 16.12.115 of this title.)	X	X	X	V	X	X
Commercial plant nursery. A use wholly, or partially, contained within 1 or more greenhouses where trees, shrubs, flowers, or vegetable plants are grown and sold to retail customers. Commercial plant nursery does not include wholesale nurseries or greenhouses.	X	IV	X	IV	X	X
Commercial recreation (indoor). Any use, either public or private, providing amusement, pleasure, or sport, which is operated entirely within an enclosed building, including, but not limited to, tennis, bowling, skating, baseball batting cages, horse riding or similar activities but not including video game arcades. This use may include associated eating and drinking areas, retail sales areas and staff offices.	X	IV	IV	IV	IV	IV Secondary
Commercial recreation (outdoor). An area or facility that offers entertainment or recreation outside. This use is limited to a golf driving range, baseball batting cages, riding arena, tennis facility, miniature golf, and swimming pool, and may include, as accessory uses, associated eating and drinking areas, retail sales areas and staff offices. This use specifically excludes shooting range, go-cart, motor vehicle and/or motorbike tracks, or similar activities that may create noise, dust, or other nuisances to adjoining and surrounding uses.	X	X	V	V	V	? V

16.33.102

Use	CN	C-1	RC	CLM	RMU	CPR
Community and resort commercial retail sales and services. Establishments engaged in the retail sale of goods and services. Community and resort commercial retail sales and service businesses must conduct all sales of goods and services, with all associated storage of goods and materials, within a totally enclosed building (with the exception of occasional outdoor "sidewalk" promotions), with no separate individual building to exceed 30,000 square feet in total gross building area and the total gross floor area of all buildings, on any separate, individual lot, does not exceed more than 80,000 square feet of gross building area. Community and resort commercial retail sales and services specifically excludes all sales, accessory uses, and service uses that typically display goods or services, or store goods or products in open, unenclosed areas, including, but not limited to, automotive, truck, recreational vehicle, trailer, and manufactured home sales lots, repair yards, open storage areas, and all similar outside display and storage areas of goods, materials, equipment, and vehicles. Retail sales may include light manufacturing on site which is limited to the processing, blending, and packaging, of nonhazardous ingredients in the production of food products, cosmetic products, and other similar type products associated with retail sales. Manufacturing processes shall not create noise, smoke, fumes, odors, glare, or health or safety issues outside the building where processing takes place. Operations to process products shall be conducted entirely within the building.	X	V	V	X	V	X
Contractor's office. A facility providing building construction and maintenance, including carpentry, plumbing, roofing, electrical, air conditioning and heating, within a totally enclosed building, and excluding any areas of open storage of any building materials, equipment, or vehicles.	X	III	X	III	III	III
Convenience store. A retail establishment selling consumer products including prepackaged food and household items, having a gross building area of not more than 3,000 square feet. ~~A convenience store may also provide associated retail sale of gasoline and other petroleum products. The maximum square footage of any canopies associated with gasoline pumps shall be no more than 2,500 square feet, or the gross square footage of the primary structure, whichever is less.~~	X	V	~~X~~ ok V	X	V	V Secondary

16.33.102

Use	CN	C-1	RC	CLM	RMU	CPR
Cultural event center. A facility which provides live theater, musical performances, short duration film festivals, and other cultural events. The facility may also provide limited use for receptions, conferences, seminars, and other similar events or gatherings. Specifically excludes all movie theaters such as Megaplex or IMAX type theaters.	X	X	V	X	V	X
Daycare center/assisted care center. A facility which provides less than 24 hour assisted care or supervision for 5 or more persons, 14 years of age and older and who are not related by blood, marriage or adoption to the owner or operator, with or without compensation for such care, and with or without a stated educational purpose.	IV	IV	IV	X	IV	X
Drive-through/drive-up facility. A facility where goods and services are provided to customers within a vehicle. (See section 16.12.121 of this title.)	X	IV	IV	IV	IV	IV
Dwelling, condominium. An individually owned dwelling unit, the ownership of which includes an undivided interest in the land and other common areas and facilities, as provided and recorded in a property deed or other instrument, as required by Utah law, and which are typically maintained by an association of the owners. Must be located within an approved Mixed Use Overlay District.	X	X	IV Mixed Use Overlay only	X	IV See chapter 17 of this title	X
Dwelling, multiple-family. A building containing 3 or more dwelling units. Must be located within an approved Mixed Use Overlay District.	X	X	IV Mixed Use Overlay only	X	IV See chapter 17 of this title	X
Dwelling, neighborhood commercial. A maximum of 2 dwelling units allowed only on the second story above commercial. The residential floor area shall have a minimum setback on all sides from the ground floor footprint of 4 feet.	IV	X	X	X	X	X
Dwelling, single-family. A building containing 1 dwelling unit.	X	X	IV Mixed Use Overlay only	X	IV See chapter 17 of this title	X

16.33.102

Use	CN	C-1	RC	CLM	RMU	CPR
Dwelling, two-family. A building containing 2 dwelling units.	X	X	IV Mixed Use Overlay only	X	IV See chapter 17 of this title	X
Educational facility (public or private). Public schools, colleges or universities qualified by the State of Utah Board of Regents or State of Utah Board of Education to provide academic instruction. Privately owned buildings and uses for educational or research activities that have a curriculum for technical or vocational training, kindergarten, elementary, secondary or higher education.	X	IV	IV	X	IV	IV
Emergency care facility. A healthcare facility providing primarily outpatient emergency care for the diagnosis and treatment of individuals.	X	IV	IV	X	IV	X
Golf course. An area used for the purposes of playing golf, but which may include associated restaurants, commercial retail sales areas, staff offices and course maintenance facilities.	X	X	V	X	V	X
Home based business. An activity carried out for gain by a resident of the dwelling unit.	As allowed and provided for by title 5, chapter 3 of this Code.					
Hospital. A facility licensed by the State of Utah Department of Health providing clinical, temporary or emergency service of a medical, obstetrical or surgical nature to human patients.	X	V	X	X	X	X
Hotel. A building offering temporary lodging accommodations, or overnight accommodations for guests, with access provided through a common entrance, lobby or hallway to 4 or more guestrooms, and which may include additional services, such as restaurants, meeting rooms, entertainment, and recreational facilities.	X	V	V	X	V	X
Household pets (noncommercial). Domesticated animals and birds ordinarily permitted in a dwelling unit and kept for company or pleasure of the owner, including, but not limited to, dogs, cats, and caged birds, in compliance with all applicable requirements of title 6 of this Code. Household pets do not include inherently or potentially dangerous animals, fowl or reptiles or exotic animals. (See section 16.12.112 of this title.)	II	II	II	II	II	II

16.33.102

Use	CN	C-1	RC	CLM	RMU	CPR
Light manufacturing. Includes the processing and fabrication of finished products, predominantly from previously prepared materials, and includes the assembly, fabrication or processing of goods and materials using processes that do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building and where such assembly, fabrication or processing takes place. Operations to process products shall be conducted entirely within a building that does not exceed a gross building floor area of 3,000 square feet.	X	X	X	IV	X	X
Major facility of a public utility. Any electric transmission lines (greater than 115,000 volts), power plants or substations of electric utilities; gas gathering facility, regulator stations, transmission and gathering pipelines and storage areas of utilities providing natural gas or petroleum derivatives; and their appurtenant facilities, water treatment plant, sewage treatment plant, or similar public or quasi-public use or activity.	X	X	X	V	X	X
Medical and dental clinic. An organization of doctors, dentists, or other healthcare professional providing physical or mental health service and medical or surgical care of the sick or injured but which does not include inpatient or overnight accommodations.	IV	IV	IV	X	IV	IV
Minor facility of a public utility. Any water, sewer, power, gas, telephone, cable television, or other utility, distribution line, or facility, which is located underground and buried beneath the surface of the ground.	II	II	II	II	II	II
Model home. A dwelling unit having all of the following characteristics: (1) The dwelling unit is constructed upon a lot in a subdivision for which a final plat has been recorded. (2) The dwelling unit is intended to be temporarily utilized as an example of the dwelling units that are proposed to be built in the same subdivision.	X	X	II	X	II	X
Mortuary, funeral home. An establishment in which the dead are prepared for burial or cremation. The facility may include a chapel and other rooms to conduct funeral services.	X	IV	X	X	X	X

16.33.102

Use	CN	C-1	RC	CLM	RMU	CPR
Motel. A building or group of buildings containing 4 or more guestrooms, some or all of which may have a separate entrance leading directly from the outside of the building with a garage or parking space located on the lot and designed, used or intended wholly or in part for the accommodation of persons usually traveling by private automobile or motor coach and which may include additional services, such as restaurants, meeting rooms, entertainment and recreational facilities.	X	V	V	X	V	X
Neighborhood commercial retail sales and services. Establishments engaged in the retail sale of goods and services. Neighborhood commercial retail sales and service businesses must conduct all sales of goods and services, with all associated storage of goods and materials, within a totally enclosed building (with the exception of occasional outdoor "sidewalk" promotions), with no separate individual building to exceed 3,000 square feet in total gross building and the total gross floor area of all buildings, on any separate, individual lot, does not exceed more than 6,000 square feet of gross building area. Neighborhood commercial retail sales and services specifically excludes all sales, accessory uses, and service uses that typically display goods or services, or store goods or products in open, unenclosed areas, including, but not limited to, automotive, truck, recreational vehicle, trailer, and manufactured home sales lots, repair yards, open storage areas, and all similar outside display and storage areas of goods, materials, equipment, and vehicles.	IV	IV	IV	X	IV	IV Secondary
Nursing home, convalescent care center. A facility that provides 24 hour residential care to persons who are not related by blood, marriage, or adoption to the owner, operator, or manager of the facility. A nursing home or convalescent care center provides some level of skilled nursing or medical service to the residents.	IV	IV	IV	X	IV	X
Outdoor theater. A facility for outdoor performances where the audience views the production while seated outside and which may include associated restaurant, commercial retail sales areas, staff offices, production, and maintenance facilities.	X	X	V	X	V	X
Personal services. An establishment for the provision of personal services, including, but not limited to, barber or beauty shop, dry cleaners, optometrist shop, tanning salon, fitness center, or photographic studio.	IV	IV	IV	X	IV	IV Secondary

16.33.102

Use	CN	C-1	RC	CLM	RMU	CPR
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 stockholders or members.	X	IV	IV	X	IV	IV Secondary
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.	IV	IV	IV	IV	IV	IV
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 streets, parks, recreational facilities, administrative and service facilities, and public utilities, and found to conform to the general plan, as adopted. Public uses and utilities do not include "major facility of a public utility", as defined herein.	IV	IV	IV	IV	IV	IV
RV resort. A parcel of land under the control of any person wherein 2 or more RV sites, along with the amenities, facilities, and services designed to provide guests with a higher quality experience than found in an RV park or campground, are offered for short term rental to the public and complies with chapter 17, part 2 of this title.	X	X	V	X	X	X
Reception hall, reception center. A facility for the holding of events including, but not limited to, weddings, wedding receptions, community meetings, and group gatherings.	X	IV	IV	X	IV	X
Recycling binnies. "Recycling binnies" are recycling containers that are no more than 4 cubic yards in size. The total capacity of all recycling binnies at any 1 site shall not exceed 40 cubic yards. Sites for recycling binnies that are located in parking lots may not occupy required parking spaces. Recycling binnies must be arranged to not impede traffic flow. The operator of the recycling binnies shall remove products stored at the site at least once a week. The operator of the recycling binnies shall keep the binnies in proper repair and both the binnies and the site shall be kept neat and clean in appearance.	II	II	II	II	II	II

16.33.102

Use	CN	C-1	RC	CLM	RMU	CPR
Recycling collection center. A center for the acceptance and temporary storage of recyclable materials to be transferred to a recycling processing facility. Recycling collection centers involve no more than 3 collection containers up to 40 cubic yards in total size. Collection centers located in parking lots may not occupy required parking spaces. A collection center must be arranged to not impede traffic flow. The operator of the collection center shall remove products stored at the site at least once a week. The operator of the collection center shall keep the collection center in proper repair and the exterior must have a neat and clean appearance. Automated can recycling machines are limited to 2 per site.	X	IV	X	IV	X	X
Residence for persons with a disability. A residence in which more than 1 person with a disability resides; and is licensed or certified by the department of human services under title 62A, chapter 2, licensure of programs and facilities; or is licensed or certified by the department of health under title 26, chapter 21, health care facility licensing and inspection act. See definition of "disability". (See section 16.12.108 of this title.)	V	V	V	X	V	X
Residence for persons with a disability that are substance abuse facilities located within 500 feet of a school. A residence in which more than 1 person with a disability resides; and is licensed or certified by the department of human services under title 62A, chapter 2, licensure of programs and facilities; or is licensed or certified by the department of health under title 26, chapter 21, health care facility licensing and inspection act. See definition of "disability". (See section 16.12.109 of this title.)	V	V	V	X	V	X
Resort. A specialized guest complex intended for relaxation and enjoyment, designed for occupancy of limited duration, including recreational activities such as tennis, golf, swimming, horse riding, body conditioning, hiking and similar activities intended primarily for use by guests. A resort may also include residential units of various types or commercial uses designed to serve and provide for the convenience of guests, including restaurants, gift shops, and similar uses.	X	V	V	X	V	X
Restaurant, fast food. A building or facility that sells food and beverages primarily over a counter, rather than by waitress or waiter; packages its food in wrappers, boxes or cartons regardless if the food is consumed on or off the restaurant premises; and typically provides a drive-through/drive-up facility.	X	IV	IV	X	IV	IV

16.33.102

Use	CN	C-1	RC	CLM	RMU	CPR
Restaurant, sit down. A building or facility for the preparation, retail sale, and on site consumption of food and beverages.	IV	IV	IV	X	IV	IV
Sale, distribution, and consumption of alcoholic beverages and alcoholic products. As defined and provided by title 5, chapter 4 of this Code, Ivins City alcoholic beverage control ordinance.	As provided by title 5, chapter 4 of this Code, Ivins City alcoholic beverage control ordinance.					
Sexually oriented business. An activity identified and conducted in compliance with the requirements of title 5, chapter 8 of this Code, as applicable.	As allowed and provided for by the Ivins City ordinance.					
Sign, awning. A sign displayed on or attached flat against the surface of an awning. (See chapter 21 of this title.)	As required and provided by chapter 21 and section 16.21.102 of this title.					
Sign, canopy. A sign attached to, or constructed in, a canopy, typically located over a fuel island. (See chapter 21 of this title.)	As allowed and provided by chapter 21 and section 16.21.102 of this title.					
Sign, freestanding monument. A sign attached to the ground or a foundation in the ground, and where there are no poles, braces, or other visible means of support other than the attachment or foundation to the ground. (See chapter 21 of this title.)	As allowed and provided by chapter 21 and section 16.21.102 of this title.					
Sign, projecting. A sign attached to a building and extending no more than 5 feet perpendicular from the building wall to which the sign is attached. (See chapter 21 of this title.)	As allowed and provided by chapter 21 and section 16.21.102 of this title.					
Sign, temporary/Class I use sign. A sign intended to be displayed for a limited period, not to exceed 45 days. (See chapter 21 of this title.)	As allowed and provided by chapter 21 and section 16.21.102 of this title.					
Sign, wall. A sign displayed upon or against the wall of a building, where the exposed face of the sign is parallel to the wall and extends not more than 12 inches horizontally from the face of the wall. (See chapter 21 of this title.)	As allowed and provided by chapter 21 and section 16.21.102 of this title.					
Sign, window. A sign attached to a window to be visible from outside of the building. (See chapter 21 of this title.)	As allowed and provided by chapter 21 and section 16.21.102 of this title.					
Storage of recreational vehicles (limited). The outside storage and parking of not more than 2 recreational vehicles, including motor homes, boats, caravans, trailers, or similar, for a period exceeding 48 hours, and owned by the property owner. (See section 16.12.111 of this title.)	II	II	II	II	II	II
Storage space (limited). Kayenta has remaining approximately 16,000 sq. ft. of allowed storage space in the Crescent Moon area as of May 1, 2018.	X	X	X	V	X	X

16.33.102

Use	CN	C-1	RC	CLM	RMU	CPR
Swimming pool. An artificial body of water having a depth in excess of 18 inches, designed, constructed and used for swimming, dipping or immersion purposes by men, women or children, and located on a same lot or parcel as a dwelling, or dwellings. (See section 16.12.119 of this title.)	X	X	IV	X	IV	X
Tennis court/sports court. An improved area used for the playing of tennis or other sports activities, including, but not limited to, basketball and volleyball, and located on a same lot or parcel as a dwelling, or dwellings.	X	X	IV	X	IV	IV Secondary
Wireless telecommunications site/facility. A facility used for the transmission or reception of electromagnetic or electro-optic information, including wireless telecommunications facilities such as "cellular" or "PCS" (personal communications systems) communication and paging systems. This use is not required to be located on a separate lot or to comply with the minimum lot size requirement for the district in which it is located but is required to meet the design and locational requirements, as established for such uses, as provided by this title. Telecommunications site/facility does not include radio antennas complying with the ruling of the Federal Communications Commission in "amateur radio preemption, 101 FCC 2nd 952 (1985)" or a regulation related to amateur radio service adopted under 47 CFR part 97. (See section 16.12.122 of this title.)	X	X	X	IV	X	X

small wireless

(Ord. 2012-08, 2012; amd. Ord. 2014-05, 2014; Ord. 2014-09, 2014; Ord. 2016-06, 2016; Ord. 2016-28, 2016; Ord. 2017-17, 2017; Ord. 2018-11, 2018)