ORDINANCE NO. 2025-__

AN ORDINANCE OF IVINS CITY, UTAH, RE-ENACTING TITLE 5, CHAPTER 3 "HOME OCCUPATION BUSINESS" TO REGULATE HOME-BASED BUSINESSES THAT HAVE A MATERIAL IMPACT ON THE RESIDENTIAL CHARACTER OF ITS NEIGHBORHOOD

WHEREAS the city council for Ivins City (the "City Council") is authorized by law to exercise its legislative powers through ordinances as are necessary for carrying into effect the duties and powers of the City Council and as are necessary and proper to provide for the safety and preserve the health, and promote the prosperity, improve the morals, peace and good order, comfort, and convenience of Ivins City and its inhabitants, and for the protection of property in Ivins City (see Utah Code § 10-8-84; Ivins City Code §§ 2.01.301, et seq.)

WHEREAS before the City Council can pass an ordinance regulating land use the planning commission for Ivins City (the "Planning Commission") must consider the regulation and conduct a public meeting regarding the proposed land use regulation;

WHEREAS after conducting a public meeting regarding this ordinance on _____ the Planning Commission recommended that the City Council approve this ordinance;

WHEREAS the City Council has investigated and considered the impacts sometimes caused by home-based occupations; and

WHEREAS the City Council finds that home-based occupations that impact the residential nature of the neighborhood should be regulated as conditional uses to mitigate such impacts.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Ivins City as follows:

Section 1. Enactment of Title 5, Chapter 3 of the Ivins City Code. Title 10, Chapter 3 of the Ivins City Code is hereby enacted in its entirety as follows:

See Exhibit A

Section 2. Severability. If any section, clause, or portion of this ordinance is declared invalid by a court of competent jurisdiction, the remainder shall not be affected thereby and shall remain in full force and effect.

Section 3. Effective Date. This Ordinance shall become effective immediately upon passage and publication.

PASSED AND ADOPTED BY THE IVINS CITY COUNCIL, STATE OF UTAH, ON THIS ____ DAY OF _____, 2025, BY THE FOLLOWING VOTE:

	AYE	NAY	ABSTAIN	ABSENT
Mike Scott	_____	_____	_____	_____
Kevin Smith	_____	_____	_____	_____

Sharon Barton	_____	_____	_____	_____
Sharon Gillespie	_____	_____	_____	_____
Lance Anderson	_____	_____	_____	_____

_____
Chris Hart, Mayor

ATTEST:

_____
Kari D. Jimenez, City Recorder

Exhibit A

5.03.101: PURPOSE AND INTENT:

The purpose and intent of this chapter is to ensure that the primary use of residential properties remains residential, while allowing limited business activities that are compatible with the surrounding neighborhood. Home occupations are a conditional privilege, not a right and must comply with the requirements of this chapter. The operation of a home-based business shall secondary and incidental to the residential use, and shall not:

(1) Disrupt the residential character of the neighborhood;

(2) Generate noise, traffic, or other impacts exceeding those normally associated with residential use;

(3) Create a public nuisance or violate health and safety standards

5.03.102: DEFINITIONS:

As used in this chapter

RESIDENCE: A dwelling unit designed for living and sleeping purposes, excluding detached garages and accessory buildings.

RESIDENTIAL PREMISES: The land and structures located in any area zoned for residential use.

HOME OCCUPATION: A business activity for which compensation is received and which is conducted entirely within a residential premises, subject to the provisions of this chapter.

IN-HOME OFFICE: A portion of the residence used exclusively for administrative business activities such as accounting, scheduling, or computer-based work.

5.03.103: HOME OCCUPATION LICENSE REQUIRED:

(1) A home occupation license shall be obtained from Ivins City prior to operation of any home occupation, except if the applicant/operator is under the age of 19. Such a license shall be deemed a conditional use permit.

(2) The application shall include;

(a) Applicant's name and contact information;

(c) Business name and description;

(d) Proposed hours of operation;

(e) A site plan showing use of interior space and exterior parking areas.

(3) Licenses may be granted indefinitely, subject to compliance and the city's right to revoke or modify based on operational impacts.

(4) Issuance of a license does not override private covenants, conditions, and restrictions (CC&Rs).

(5) Licenses may be reviewed at any time for cause.

5.03.104: APPROVAL PROCEDURE:

(1) In-Home Offices: May be administratively approved by city staff if no significant external impacts are identified.

(2) Other Home Occupations: Require Planning Commission review and approval and may include conditions or time limitations to mitigate adverse impacts. Written commitment by the applicant to comply with all conditions is required.

5.03.105: INSPECTION AUTHORITY:

(1) Inspections may be required prior to approval and periodically thereafter (with advance notice).

(2) Authorized building or safety officials may enter the property during reasonable hours to verify compliance.

(3) Noncompliance may result in revocation.

5.03.106: OPERATING REQUIREMENTS:

All of the following conditions shall apply:

(1) The licensee must be a full-time resident of the property.

(2) No more than 25% of the total floor area shall be used for business purposes.

(3) Sales are permitted if limited to:

(a) Items produces on site, or

(b) Products incidental to services (i.e. beauty products sold by a stylist)

(c) On-site sales may not exceed six (6) customers per hour.

(4) No exterior advertising except one identification sign not exceeding 12 x 12, Located inside a front window.

(5) No outdoor storage of business materials is permitted. All storage must be screened from view.

(6) No business-related vehicles, materials, or deliveries shall be placed or parked on public streets or sidewalks.

(7) Deliveries must be made using standard passenger vehicles or delivery vans typical for residential areas. Semi-trucks are prohibited.

(8) No excessive demand on utilities or city services is permitted.

(9) No alteration of the home's appearance, residential character of the premises, or disturbances (i.e. noise. light, electronic interference) are allowed.

(10) If three (3) or more residents within a 500-foot radius submit verified complaints, the license may be subject to review or revocation by the Planning Commission.

(11) The home occupation must comply with all applicable federal, state and local laws and licensing requirements.



5.03.107: CATEGORIES OF PROHIBITED AND CONDITIONAL USES:

(1) Examples of Prohibited Uses:

(a) Medical/dental practices (except for emergency consultation)

(b) Auto repair, painting, or detailing

(c) Commercial kennels or stables

(d) Manufacturing or industrial activities

(e) Gun ranges or firearms testing

(f) Appliance or motorized equipment repair

(g) Any other uses that the Planning Commission deems to be incompatible with the intent and character of the residential area.

(2) Examples of Potentially Conditional Uses (subject to all other provisions):

(a) Art Studio

(b) Architectural or consulting services

(c) Hair and beauty services

(d) Computer services (including remote sales)

(e) Teaching or tutoring (I.e., dance, music, swimming), not to exceed eight (8) students at any one time.

(f) Data entry or clerical services

(g) Family daycare not to exceed 5 children (plus those living at the residence), or otherwise approved and state-licensed)

(h) Uses not listed may still be considered based on compatibility with the intent and character of the residential area and Planning Commission approval.

5.03.108: REVOCATION OR DENIAL:

A license may be denied or revoked for:

(1) Failure to comply with license conditions or applicable laws;

(2) Unlawful activity on the premises;

(3) Fraud or misrepresentation on the application;

(4) Repeated verified complaints or violations.

Written notice of denial or revocation shall be provided to applicant/licensee, stating the reason.

5.03.109: APPEALS:

Applicants/licensees may appeal a denial or revocation pursuant to Title 16, Chapter 30.