Exhibit A

5.03.101: Purpose and Intent

The purpose and intent of this Chapter is to support the primary use of residential properties as residential, while allowing for home-based business activities that integrate into the surroundings to foster the general welfare of the residents. Home occupations/home-based business activities are a conditional use that shall comply with the requirements of this Chapter. The operation of a home-based business shall be secondary and incidental to the residential use of the dwelling, and shall not:

(1) Detract from the primary residential character of the area.
(2) Generate noise, traffic, or activities that exceed the average flow of a neighborhood.
(3) Create a public nuisance or violate health and safety standards (See Ordinance XXX for 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 within a residential premises, subject to the provisions of this Chapter (See XX)

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

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;

(b) Business name and description;

(c) Proposed hours of operation.

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(d) A site plan showing proposed use of exterior parking areas beyond the required parking for the residence.

(3) A license may be granted indefinitely, subject to compliance to standards outlined in this ordinance.

(a) The city has the right to revoke the license for non-compliance to said standards.

(4) Issuance of a license pertains only to city laws and ordinances.

5.03.104: APPROVAL PROCEDURE

(1) In-home Office: May be administratively approved by city staff if use is in compliance with this ordinance.

(2) Other Home Occupations: Require Planning Commission review and approval for alignment with this ordinance. *Why written commitment? Isn't the law the law?*

5.03.105: INSPECTION AUTHORITY

(1) Site inspections will follow established city safety codes.

5.03.106: OPERATING REQUIREMENTS:

(1) The licensee shall be a full-time resident at the property while operating the business on site.

(2) The primary usage of the building's square footage shall be residential.

(3) Sales are limited to:

(a) Services or items produced on site;

(b) Products incidental to business deliverables;

(c) No more than six (6) customers on site simultaneously.

(4) Exterior advertising shall be no larger than 12" x 12", posted discretely, and unlit.

(5) All storage shall be within the structure.

(6) Business-related vehicles or materials shall be on property and screened.

(7) Deliveries shall be made by traditional delivery vehicles. Semi-trucks are prohibited.

(8) Demand on utilities or city services shall be within the standard load on such a structure.

(9) The structure shall maintain its residential character. This includes appearance, light, noise, or electronic usage.

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(10) Three or more separate notices of complaint of violation of this ordinance shall be subject to license review for code compliance.

(11) Hours of operation shall be between 7 a.m. and 7 p.m.

(12) There shall be no business-related overnight or on-street parking.

(13) Surrounding driveways shall not be blocked by customers of the business.

(14) The noise decibel level shall be within city code standards.

(15) Lighting shall comply with city code standards.

(16) The business activities shall be conducted within the structure.

5.03.107: CATEGORIES OF PROHIBITED USES

(1) Medical/dental practices, except for emergency consultation.

(2) Auto repair, painting, or detailing.

(3) Commercial kennels or stables.

(4) Manufacturing or industrial production.

(5) Gun range or firearms testing.

(6) Appliance or motorized equipment repair.

5.03.108: CATEGORIES OF CONDITIONAL USES

(1) Services that bring customers to the site, such as:

(a) Art studio

(b) Teaching or tutoring (limit of 6 students simultaneously)

(c) Licensed child daycare (limit of 6 children, plus resident children)

(d) Dog walker

(e) Hair and beauty services

(f) Computer services

(g) Consulting services (architectural, financial, etc.)

5.03.109: REVOCATION OR DENIAL

(1) Written notice of denial or revocation shall be provided to applicant/licensee stating cause.

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(a) Failure to comply with license conditions per city code.

(b) Unlawful activities on premises.

(c) Fraud or misrepresentation on the business license application.

(d) Repeated, verified code violations.

5.03.110: APPEALS

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

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