ORDINANCE NO. 2026-__

AN ORDINANCE OF IVINS CITY, UTAH, CREATING A PROCESS TO REGULATE HOME-BASED OCCUPATIONS

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 whether home-based occupations should be regulated;

WHEREAS the City Council has considered the impact this ordinance may have on family health, stability and formation; and

WHEREAS the City Council finds that a minimum level of regulation of home-based occupations is 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, because such regulations will preserve the residential nature of residential neighborhoods, but will also allow those businesses and/or occupations that do not impact that nature, or for which reasonable conditions can mitigate anticipated impacts, to operate.

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 5, Chapter 3 of the Ivins City Code is hereby amended 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 _____, 2026, BY THE FOLLOWING VOTE:

	AYE	NAY	ABSTAIN	ABSENT
Mike Scott	_____	_____	_____	_____
Sharon Barton	_____	_____	_____	_____
Sharon Gillespie	_____	_____	_____	_____
Dillon Hurt	_____	_____	_____	_____
Wayne Pennington	_____	_____	_____	_____

_____
Kevin Smith, Mayor

ATTEST:

_____
Kari D. Jimenez, City Recorder

Exhibit A

TITLE 5
BUSINESS LICENSES AND REGULATIONS

CHAPTER 3
HOME-OCCUPATION BUSINESSES

5.03.101: PURPOSE AND INTENT:

The purpose of this chapter is to allow residents to conduct limited business activities from their homes while preserving the residential character of neighborhoods. A person can conduct business activities within a residence on a limited basis if such activities comply with standards of this section.

5.03.102: CLASSIFICATION OF HOME-OCCUPATIONS BUSINESSES:

(1) Classification Required: Each home-occupation business shall be classified as either a Type I or Type II home-occupation business based upon the nature, scale, location, and reasonably anticipated impacts of the business.

(2) Type I Home-occupation Business: A type I Home-occupation Business is one that:

(a) Complies with all Type I standards contained in the home-occupation Table of Impacts;

(b) Does not create a reasonably anticipated detrimental effect requiring conditions beyond the generally applicable requirements of this chapter; and

(c) Is approved administratively as part of the business license application and does not require a conditional use permit.

(3) Type II Home-occupation Business: A Type II Home-occupation Business is one that:

(a) Exceeds one or more type I standards contained in the Home-occupation Table of Impacts;

(b) Involves an activity identified in the table as requiring conditional use review; or

(c) May create a reasonably anticipated detrimental effect related to fire safety, hazardous materials, parking, traffic, noise, vibration, odor, dust, lighting, signage, deliveries, outdoor activity, utility demand, or other impacts upon surrounding properties; and

(4) Classification Decision: The Business License Specialist, in consultation with the Zoning Administrator, shall classify each application as Type I or Type II based upon the information supplied by the applicant and the standards contained in this chapter.

(5) Effect of Classification: Classification of a business as Type II does not create a presumption that the application will be denied. A Type II business shall be reviewed under the City's conditional use standards, and reasonable conditions may be imposed to mitigate reasonably anticipated detrimental effects.

(6) Home Offices Exempt: Persons who work from home using only a home office, including persons working remotely, who do not host customers, employees, or coworkers at the home office, are exempt from obtaining a business license related to that work.

5.03.103: HOME-OCCUPATION BUSINESS TABLE OF IMPACTS:

(1) The Table of Impacts is intended solely to classify home-occupation businesses for review purposes. Compliance with the table does not exempt a home-occupation business from complying with all other applicable provisions of City Code, including but not limited to the City's lighting and sign regulations.

Impact Category	**Type I: Permitted Home-occupation**	**Type II: Additional Review Required**
Resident Operator	The owner or operator resides in the dwelling.	A business that does not have an owner or operator residing in the dwelling is not eligible as a home-occupation.
Nonresident Employees	No more than one nonresident employee works at the property at any one time.	More than one nonresident employee works at the property at one time, subject to available parking and mitigation of traffic and neighborhood impacts.
Traffic	Business activity generates on average less than four vehicle trips per hour during hours of operation.	The business may generate on average four or more vehicle trips per hour during hours of operation.
Parking	All business parking can be accommodated in legal on-	The business may require regular use of on-

	site parking areas. No more than two customer or employee vehicles are parked on the street at one time, and no business-related vehicles are parked on the street overnight.	street parking, simultaneous parking by multiple customers or employees, specific appointment scheduling, or other parking mitigation.
Hours of Operation	Customer visits, employee arrivals, deliveries, and other business-related traffic occur between 7:00 a.m. and 7:00 p.m.	Business-related activity is proposed outside the Type I hours and requires review based upon the location of the activity and its potential effect on neighboring properties.
Deliveries	Deliveries are made by passenger vehicles or parcel and letter carriers using vehicles ordinarily used for residential deliveries.	The business requires recurring deliveries by larger vehicles or delivery activity that may affect residential streets, access, traffic, noise, or neighboring properties.
Noise and Vibration	No business-related noise or vibration is perceptible beyond the property boundary.	Tools, equipment, machinery, instruction, animals, vehicles, or outdoor activity may create noise or vibration perceptible beyond the property boundary and require limitations on location, duration, frequency, or hours.
Odor, Smoke, Dust, Fumes, or Drainage	The business creates no odor, smoke, dust, fumes, drainage impacts, or similar nuisance perceptible beyond the property boundary.	The nature of the activity may create one or more of these impacts and requires specific operating, ventilation, containment, or location conditions.

Utility and Municipal Services	The business does not create potential for illicit discharge, demand for water, sewer, power, solid waste, emergency services, or other municipal facilities beyond that customarily associated with residential use.	The proposed activity may create additional utility or municipal service demands requiring review by the applicable City departments.
Electrical or Communication Interference	The business creates no electrical, radio, television, or communication interference beyond the property boundary.	Equipment may create interference and requires technical review or operating conditions.

5.03.104: APPLICATION AND APPROVAL PROCEDURE:

(1) Business License Application: An application for a home-occupation business license shall be submitted to the Ivins City Business License Specialist on forms provided by the City. The application shall include the applicable fees established in the City's Consolidated Fee Schedule and sufficient information to determine whether the proposed business qualifies as a Type I or Type II home-occupation.

(2) Information Required: The applicant shall provide, as applicable:

(a) a description of the business and all activities to be conducted at the property;

(b) the portion of the dwelling, garage, accessory structure, or property to be used for the business;

(c) the proposed days and hours of operation;

(d) the anticipated number of customers, clients, employees, deliveries, and vehicle trips;

(e) the location and number of parking spaces available for the residence and business;

(f) a description of equipment, machinery, vehicles, materials, chemicals, inventory, and outdoor activities associated with the business;

(g) copies of any licenses, permits, inspections, or approvals required by another governmental agency; and

(h) any additional information reasonably necessary to evaluate the business under the Home-occupation Table of Impacts.

(3) Fire and Safety Inspection Requirements: All home-occupation businesses shall comply with the applicable fire inspection requirements of Chapter 2 of this title regardless of if they are classified as a Type I or Type II.

(4) Type I Administrative Review: If the Business License Specialist and Zoning Administrator determine that the proposed business complies with all Type I standards, the application may be approved administratively without a conditional use permit.

(5) Type II Determination: If the proposed business exceeds a Type I standard or involves an impact requiring individualized review, the applicant shall be referred to the Technical Review Committee for review.

(a) The Technical Review Committee shall evaluate the proposed business and determine whether the anticipated impacts comply with the standards of this chapter and whether mitigation measures or conditions are necessary.

(b) If the Technical Review Committee determines that no special conditions are necessary to address the anticipated impacts of the proposed business, the application may be approved administratively, and the business license may be issued.

(c) If the Technical Review Committee determines that conditions are necessary to mitigate reasonably anticipated detrimental effects, the application shall be referred to the Planning Commission for consideration of conditional use permit.

(6) Conditional Use Permit Application: An applicant for a Type II home-occupation shall submit:

(a) a completed Class IV conditional use permit application;

(b) the applicable conditional use permit and noticing fees;

(c) a site plan or property diagram showing property boundaries, structures, business activity areas, storage areas, parking spaces, access points, outdoor lighting, and proposed signage;

(d) a written business operations plan addressing each applicable category in the Home-occupation Table of Impacts;

(e) a description of measures proposed to mitigate reasonably anticipated detrimental effects; and

(f) any fire, building, health, safety, or technical information reasonably required by the City based upon the proposed business.

(7) Conditional Use Review Procedure: The conditional use permit associated with a Type II home-occupation application shall be noticed and considered by the planning commission in accordance with the procedures applicable to conditional use permits under Title 16, Chapter 16 of this code.

(8) Review Standards: In addition to any standards contained in Title 16, Chapter 16 of this code, in reviewing a Type II home-occupation, the planning commission shall consider:

(a) the nature, scale, and location of the business;

(b) the standards contained in the Home-occupation Table of Impacts;

(c) the reasonably anticipated detrimental effects of the business;

(d) the applicant's proposed mitigation measures;

(e) whether reasonable conditions can be imposed to substantially mitigate the anticipated detrimental effects; and

(f) the feasibility of relocating the Type II home-occupation to a commercial or industrial area.

(9) Decision:

(a) The planning commission shall approve the conditional use permit if reasonable conditions can be imposed to substantially mitigate the reasonably anticipated detrimental effects of the proposed home-occupation in accordance with applicable standards, subject to the conditions imposed.

(b) The planning commission may deny the application if the reasonably anticipated detrimental effects cannot be substantially mitigated through the applicant's proposal or the imposition of reasonable conditions. The decision shall be made in writing and shall include the findings and reasons supporting the decision.

(10) Issuance of Business License: Following final approval of the conditional use permit and satisfaction of all conditions required before operation, the City may issue the home-occupation business license.

5.03.105: EXISTING HOME-OCCUPATION BUSINESSES:

(1) Any home-occupation business holding a valid business license on the effective date of this chapter shall be considered a legal nonconforming home-occupation business if the business was lawfully established and maintained under the regulations in effect at the time the license was issued.

(2) A legal nonconforming home-occupation business may continue to operate under its existing business license provided:

(a) The nature of the business does not substantially change;

(b) The business does not expand in a manner that increases impacts related to the table of impacts; and

(c) The business remains in compliance with all other applicable federal and state laws.

(3) Any expansion or material modification of a legal nonconforming home-occupation business shall require compliance with provisions of this chapter.

5.03.106: RENEWAL: Each home-occupation business shall renew the business license annually. As part of each renewal, each home-occupation business shall certify that the impacts caused by their business have not materially increased since the last renewal. If the impact has not materially increased since the last renewal, the Business License Specialist may renew the business licenses subject to the same conditions, including any conditional use permit, imposed as part of the prior year approval.

(1) If the impacts of a Type I home-occupation business exceed any of the type I impacts shown in the Table of Impacts, the renewal of the home-occupation business license shall proceed pursuant to the Type II requirements above.

(2) If the impacts of a Type II home-occupation business have increased, the renewal of the home-occupation business licenses shall require an amendment to the conditional use permit related to the home-occupation business pursuant to the same procedure to obtain the conditional use permit in the first instance.

5.03.107: ENFORCEMENT: In addition to any other remedies allowed by law, a home-occupation business that exceeds the allowed impacts may be subject to administrative code enforcement as provided in title 4 of the code.

(1) Reclassification: The city may elect to reclassify a Type I business as a Type II business if the nature or scale of the business changes, the business exceeds a Type I standard, or documented impacts demonstrate that individualized review and mitigation are necessary.

(2) Changes to an Approved Business: A material change in the nature, location, number of employees, customer traffic, deliveries, equipment, or operating hours of an approved home-occupation shall be submitted to the City for review. The City may require modification of the conditional use permit or submission of a new application.

(3) If the city determines to reclassify a home-occupation business, or determines that impacts have increased beyond those allowed by an existing conditional use permit or prior nonconforming use, the city shall notify the home-occupation business in writing identifying the reasons for the city's determination at least 10 days before the determination goes into effect. Within 10 days of delivery of the notice, the home-occupation business may request a determination by the city manager. The city manager shall review the decision and determine whether it is supported by substantial evidence. If the determination was supported by

substantial evidence, the city manager shall confirm the determination. If the city manager confirms the determination, the home-occupation business may proceed with a conditional use permit or conditional use permit amendment process pursuant to the terms of this chapter. If in the conditional use process the planning commission determines that the increased impacts on an existing home-occupation business cannot be reasonably mitigated, the planning commission may revoke or not renew the home-occupation business license. The home-occupation business shall have 6 months to either scale down operations or move to a different location.

5.03.109: APPEAL: An applicant or adversely affected party may appeal any decision by the city or the planning commission allowed by this chapter in accordance with the appeal procedures contained in Chapter 30 of Title 16 of this code.