ORDINANCE NO. 2026-19

AN ORDINANCE OF IVINS CITY, UTAH, AMENDING THE DEFINITION OF A "MODEL HOME" TO ENSURE A MODEL HOME IS REGULATED THE SAME AS A RESIDENTIAL USE

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 hearing regarding the proposed land use regulation;

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

WHEREAS in the 2026 Legislative Session, the Utah legislature passed Senate Bill 284, which, among other things, prohibits a municipality from regulating a model home differently from a residential use;

WHEREAS the existing definition of a model home in the Ivins City Code limits the number of model homes in any subdivision to five (ICC § 15.02.102) but other residential uses are not limited to only five in a subdivision;

WHEREAS the City Council has investigated and considered whether the definition of model home should be revised to ensure a model home is not regulated differently than other residential uses;

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 amending the definition of "model home" in the Ivins City Code is necessary to regulate model homes no differently than residential uses.

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

Section 1. Amendment to Section 15.02.102 of the Ivins City Code. The following definition found in Section 15.02.102 of the Ivins City Code is hereby amended as follows:

> MODEL HOME: A residential structure that meets all residential occupancy requirements, used for sales purposes only and temporarily operates as an active sales and marketing center. ~~A subdivision may have up to a maximum of five (5) model homes in any subdivision, provided each has a substantially different floor plan.~~

Section 2. Amendment to Section 15.05.901(1) of the Ivins City Code.

> (1) Building permits may be issued for ~~model homes and other~~ on-site amenities, but not residences or model homes, if:

(a) The final plat has been approved by the city council, planning commission, all affected government agencies, city departments and public utilities; and

(b) Satisfactory security guarantees for completion of public improvements have been submitted and approved or improvements have been installed or are being installed in accordance with the recorded development agreement.

Section 3. Amendment to Section 16.33.102: Table 33-2, Table of Uses, Nonresidential Zoning Districts. The "Model home" row of Section 16.33.102 of the Ivins City Code, Table 33-2, Table of Uses, Nonresidential Zoning Districts is hereby amended as follows:

Use	CN	C-1	RC	CLM	RMU	CPR
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~~IV	X	~~H~~IV	X	~~H~~IV	X

Section 4. 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 5. 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