ORDINANCE NO. 2026-20

AN ORDINANCE OF IVINS CITY, UTAH, ESTABLISHING A PROCESS TO EVALUATE A PROPOSED USE THAT IS NOT INCLUDED ON THE TABLE OF USES IN TITLE 16, CHAPTER 33 OF THE IVINS CITY CODE

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 Utah code requires the City to implement a process for reviewing and approving a new or unlisted business use and designating an appropriate zone or zones for that use (UCA 10-20-507).

WHEREAS in the 2026 Legislative Session, the Utah legislature passed Senate Bill 284, which, among other things, requires a municipality to provide an applicant an opportunity to appeal a land use authority's decision on whether a proposed use aligns with an existing use;

WHEREAS the City Council has investigated and considered how to appropriately evaluate proposed land uses that are not otherwise already address in the table of uses in Title 16, Chapter 33 of the Ivins City Code;

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 the terms of this ordinance will allow the City to appropriately evaluate a new or unlisted land use, and will provide for an adequate appeal of any administrative decision, while preserving the City Council's legislative authority to provide for new or unlisted land uses by ordinance.

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

Section 1. Amendments to Sections 16.11.105 and 16.02.102 of the Ivins City Code. Sections 16.11.105 and 16.02.102 of the Ivins City Code are hereby amended in their 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

16.11.105: PROHIBITED USES:

(1) Any use not specifically provided in the tables of uses is hereby declared a prohibited use in the city.

(2) Pursuant to section 16.02.102 of this title, an applicant may seek an administrative interpretation to determine whether a new or unlisted business use aligns with an existing business use such that the applicant can proceed under the regulations of the existing use as a permitted or conditional use.

(3) Alternatively, pursuant to sections 16.05.108 and 109 of this title an applicant may request that the city council legislatively adopt a land use ordinance that permits the new or unlisted business use as a permitted or conditional use.

(a) If an applicant requests a legislative action from the city council, an applicant may, but is not required to, have the planning commission consider the request.

(b) If the city council approves the request, it shall determine which zoning districts for the new or unlisted use as a permitted or conditional use, and the conditions upon which it can be implemented.

(4) If the city council denies the request made pursuant to subsection (3) above, or if the applicant disagrees with the land use authority's classification of the proposed use made pursuant to subsection (2) above, the city council shall notify the applicant in writing of each reason for the denial and of the process for appealing the city council's decision in accordance with UCA section 10-20-1109.

16.02.102: ADMINISTRATIVE INTERPRETATIONS:

(1) Purpose: To promote day to day efficiencies in the administration and implementation of this title, and where ambiguity, conflicting provisions or confusion may exist in any provision or requirement of this title, this section is provided to allow and authorize the ~~city attorney~~zoning administrator, in consultation with the city attorney, to make interpretations of this title, as needed, guided by the purposes set forth herein and applied to a specific circumstance.

(2) Authority: The ~~city attorney~~zoning administrator is authorized to render interpretations of the text of this title.

(3) Initiation: Any person may request an administrative interpretation of any text provision of this title by presenting an application for an administrative interpretation.

(4) Procedure: An application for an administrative interpretation shall be considered and processed as provided in this chapter:

(a) A complete application shall be submitted to the zoning administrator.

(b) After an application is determined to be complete, the ~~city attorney~~zoning administrator shall review the application and make an interpretation in accordance with the standards set forth in this chapter. The zoning administrator should consult with the city attorney as necessary.

(c) After making a decision, the ~~city attorney~~ zoning administrator shall provide a written copy of the administrative interpretation to the applicant. A written copy of the administrative interpretation of the ~~city attorney~~zoning administrator shall also be maintained in the office of the city recorder.

(5) Standards For Making Administrative Interpretations: The ~~city attorney~~zoning administrator shall apply the following standards in making an administrative interpretation:

(a) The administrative interpretation shall not have the effect of adding or removing any provision of this title.

(b) The ~~city attorney~~ zoning administrator shall not make any interpretation on the location of any zoning district boundary, such interpretations being provided by section 16.02.103 of this chapter.

(c) An administrative interpretation shall be consistent with the purposes of this title and any previously rendered administrative interpretations, based on similar facts.

(d) An administrative interpretation concerning a use interpretation shall not allow the establishment of a use that is substantially different or allow any prohibited use in the zoning district.

(e) No use interpretation shall permit the establishment of any use that would be inconsistent with the purposes of the zoning district in which it would be located; provided however, that if a new or unlisted business use is proposed that impacts the city, its residents, or the neighbors to the proposed use in materially the same way as an existing use identified in Chapter 33 of this title, the zoning administrator shall allow the new or unlisted business use pursuant to the regulations governing the existing use to which the new or unlisted business use most closely aligns.

(6) Effect Of Interpretation: An administrative interpretation shall only apply to the property for which an interpretation is given. An interpretation finding a use to be a class I, class II, class III, class IV or class V use shall not authorize the establishment of the use but may authorize the filing of land use applications necessary for any approvals, permits or licenses, as may be required.

(7) Appeal: Any person adversely affected by an interpretation of any text provision of this title~~,~~ rendered by the ~~city attorney~~zoning administrator, including any decision about a new or unlisted business use, may appeal that interpretation by filing a written appeal as provided in chapter 30 of this title.