

**CITY OF MILFORD
ORDINANCE 08-2021**

ACCESSORY DWELLING UNIT

WHEREAS, Milford City is proposing to update our zoning code to comply with HB82 that requires municipalities to allow internal accessory dwelling units as a permitted use within single-family dwellings.

WHEREAS, Milford City is proposing to update our zoning code to allow attached and detached accessory dwelling units with regulations.

NOW THEREFORE, be it ordained by the Milford City Council, in the State of Utah, as follows:

SECTION 1: **ADOPTION** “13.47 Accessory Dwelling Unit” of the Milford Municipal Code is hereby *added* as follows:

ADOPTION

13.47 Accessory Dwelling Unit(*Added*)

SECTION 2: **ADOPTION** “13.47.010 Purpose” of the Milford Municipal Code is hereby *added* as follows:

ADOPTION

13.47.010 Purpose(*Added*)

1. To establish regulations that govern the construction and use Accessory Dwelling Units (ADU's)

SECTION 3: **ADOPTION** “13.47.020 Definitions” of the Milford Municipal Code is hereby *added* as follows:

ADOPTION

13.47.020 Definitions(*Added*)

1. Accessory Dwelling Unit (ADU): A residential dwelling unit that contains its own

kitchen, bedroom(s), and bathroom facilities, is secondary to a primary dwelling and is located on the same lot/parcel as the primary dwelling.

2. Accessory Dwelling Unit, Internal: Accessory dwelling unit that is located within the footprint of the primary dwelling that has a secondary entrance.
3. Accessory Dwelling Unit, Attached: Accessory dwelling that is additional to the primary dwelling that can be accessed from the inside of the primary dwelling and has a separate exterior entrance.
4. Accessory Dwelling Unit, Detached: Accessory dwelling unit that is separate from the primary dwelling. Detached units can only be located within the side or rear yard of the primary dwelling.
5. Primary Dwelling: A single-family dwelling that is occupied as the primary residence of the owner of record.

SECTION 4: **ADOPTION** “13.47.030 General Regulations” of the Milford Municipal Code is hereby *added* as follows:

ADOPTION

13.47.030 General Regulations(*Added*)

1. An ADU is allowed as an accessory use within all zoning districts.
2. A maximum of one ADU is allowed per single-family lot or parcel that is 6,000 square feet or larger.
3. An ADU shall be allowed within the footprint of a single-family dwelling or as an addition to a single-family dwelling excluding mobile homes.
4. Site coverage for all ADUs must be met.
5. Entrances to ADUs shall be secondary to the primary dwellings entrance.
6. All ADUs shall be connected to the same utility lines as the primary dwelling.
7. The primary dwelling and accessory dwelling must share the same address number.
8. An ADU permit, building permit and inspection are required prior to construction and/or occupancy.
9. Mobile homes, recreational vehicles, portable structures and shipping containers shall not be considered as an ADU.
10. One (1) additional on-site parking spot is required for an ADU. This is in addition to the primary dwelling parking.

SECTION 5: **ADOPTION** “13.47.040 Owner Occupied” of the Milford Municipal Code is hereby *added* as follows:

ADOPTION

13.47.040 Owner Occupied(*Added*)

1. Property owners as shown on the Beaver County Recorder's Office shall occupy the primary dwelling a their permanent residence. In no case, shall a property owner rent out both the primary dwelling and the accessory dwelling.

SECTION 6: **ADOPTION** “13.47.050 Appearance” of the Milford Municipal Code is hereby *added* as follows:

ADOPTION

13.47.050 Appearance(*Added*)

1. Single-family dwellings with an interior accessory dwelling unit shall retain the appearance of a single-family home.
2. Detached accessory dwelling units shall be complementary to the primary dwelling character by using similar building materials and placed on a permanent foundation.

SECTION 7: **ADOPTION** “13.47.060 Construction Requirements” of the Milford Municipal Code is hereby *added* as follows:

ADOPTION

13.47.060 Construction Requirements(*Added*)

1. Setback, height, entrance, window and size limitations are as follows:
 - a. Obscured glass must be used on the side and rear of detached ADU

Requirements	Internal ADU	Attached ADU	Detached ADU
Location	Within Primary Dwelling	Attached to Primary Dwelling	Side or Rear Yard
Maximum Height	One Story	One Story	One Story
Minimum Side Setback	Same as Primary Dwelling	Same as Primary Dwelling	Same as Primary Dwelling
Minimum Rear Setback	Same as Primary Dwelling	Same as Primary Dwelling	Same as Primary Dwelling
Entrance	Side or Rear	Side or Rear	Front, Side, Rear
Windows	No Restriction	No Restriction	Restricted (see (1-a))
Site Coverage	40%	40%	40%
Size Limit	No limitation	Up to 1,000 Square Feet	Up to 1,000 Square Feet

SECTION 8: **ADOPTION** “13.47.070 Building, Health And Fire Code” of the Milford Municipal Code is hereby *added* as follows:

ADOPTION

13.47.070 Building, Health And Fire Code(*Added*)

1. All construction must comply with all applicable building, health and fire codes. This includes obtaining required permits.
2. When a new ADU is proposed in an existing home, the entire ADU shall meet all applicable codes and standards.

SECTION 9: **ADOPTION** “13.47.080 Violations” of the Milford Municipal Code is hereby *added* as follows:

ADOPTION

13.47.080 Violations(*Added*)

1. If a property owner violates any of the regulations in this chapter, Milford City may file a lien with the Beaver County Recorder for up \$100 day per violation.
2. Milford City will follow the process stated in Utah State Code 10-9a-530.

SECTION 10: **AMENDMENT** “13.13.020 Permitted Uses” of the Milford Municipal Code is hereby *amended* as follows:

AMENDMENT

13.13.020 Permitted Uses

The following are permitted uses in any RM6S district:

1. Single family dwellings;
2. Accessory buildings, uses, or structures;
3. Home occupations;
4. The keeping of domestic animals (see 13.30.020);
5. Family food production;
6. Flood control facilities;
7. Townhomes and condominium
8. Public parks or recreational facilities, including public or private golf courses with no night lighting;
9. Accessory dwelling units (see 13.47)
10. Any other uses deemed by the Planning and Zoning Commission to be in harmony with listed permitted uses and the purpose and intent of this district.

(Ord. Ordinance 7/2008 RM6S, Amended, 06/18/2008)

SECTION 11: **AMENDMENT** “13.14.020 Permitted Uses” of the Milford Municipal Code is hereby *amended* as follows:

AMENDMENT

13.14.020 Permitted Uses

The following are permitted uses in any RM district:

1. Single family dwellings;
2. Accessory buildings, uses, or structures;
3. Zero lot line developments;
4. Wide shallow lot developments;

5. Duplexes
6. Town homes
7. Home occupations;
8. The keeping of domestic animals (see 13.30.020);
9. Family food production;
10. Licensed in home day care for up to 12 children;
11. Flood control facilities;
12. Public parks or recreational facilities, including public or private golf courses with no night lighting;
13. Public or private schools or educational institutions;
 - a. Public or private schools or educational institutions are allowed within this district only if traffic ingress and egress does not adversely affect the general traffic patterns of the area. under this section, public or private schools or educational institutions shall be prohibited to be located on a dead end street and/or cul-de-sac.
14. Foster homes;
15. Accessory dwelling units (see 13.47)
16. Any other uses deemed by the Planning and Zoning Commission to be in harmony with listed permitted uses and the purpose and intent of this district.

(Ord. Ordinance 8-2008, Amended, 06/18/2008)

SECTION 12: **EFFECTIVE DATE** This Ordinance shall be in full force and effect after the required approval and publication according to law.

PASSED AND ADOPTED BY THE CITY OF MILFORD COUNCIL

December 21, 2021


	AYE	NAY	ABSENT	ABSTAIN
Russell Smith	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
Les Whitney	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
Scott Symond	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
Ian Spaulding	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
Terry Wiseman	<u> </u>	<u> </u>	<u>✓</u>	<u> </u>

Presiding Officer

Attest



Nolan Davis, Mayor, City of Milford



Monica D. Seifers, City Recorder City
of Milford