



Chair: Tayson Willis

Commission:

Luke Ambrose

Lynae Malchus

Nick Schofield

Chancey Carter

Garland Walker

Jake Rollins

Planning and Zoning Meeting Agenda

October 26, 2026

7:30 PM

Milford City Office 26 South 100 West

PUBLIC NOTICE is hereby given that the Milford City Planning and Zoning Commission will hold a Regular Meeting at 7:00 PM at the Milford City Administrative Office, 26 South 100 West, Milford, Utah on Monday, October 26, 2026.

I. CALL TO ORDER and ROLL CALL

II. CONFLICTS OF INTEREST

- a. Declaration of any potential conflicts of interest relating to agenda items

III. APPROVAL OF MINUTES

- a. September 03, 2026 Regular Meeting

IV. DISCUSSIONS/ORDINANCES/NEW BUSINESS

- a. Ordinance 06-2026 Data Centers, Data Center Power Plants, Energy Storage Facilities, Backup Generators, and Energy Storage
- b. Consideration of Amendment to CUP 2026-01 Heritage Plaza
 - i. Operating Agreement
- c. Review Ordinance 07-2026 Home Occupation
- d. Discussion regarding the Subdivision Ordinance
- e. Discuss Ordinance Updates

V. COMMISSION REPORTS AND COMMENTS

VI. ADJOURNMENT

I, Lisa Thompson, hereby certify that the above notice was posted to the state public notice website and the following locations on October 23, 2026:

Lisa Thompson

1. Milford City Office-26 South 100 West
2. Milford Post Office-458 South Main
3. Milford City Library-401 South 100 West

In compliance with the Americans with Disabilities Act, the City of Milford will make efforts to provide reasonable accommodations to disabled members of the public in accessing City programs. Requests for assistance can be made by contacting the City Recorder at 435.387.2711 at least 24 hours in advance of the meeting to be held.

**MINUTES OF MILFORD CITY
PLANNING AND ZONING COMMISSION MEETING
26 South 100 West, MILFORD, UTAH
THURSDAY, SEPTEMBER 3, 2026 7:00 PM**

The Milford City Planning and Zoning Commission meeting was called to order by Chairman Tayson Willis at 7:09 p.m.

Present: Chairman Tayson Willis; Commissioner(s) Nick Schofield, Lynae Malchus, Chancey Carter, Jake Rollins, Zoning Administrator Lisa Thompson

Absent: Garland Walker, Luke Ambrose

Visitors: Bretten Lozano, Lacey Davids

Conflicts of Interest

Chairman Willis asked commissioners if they needed to declare potential conflicts of interest to agenda items. All commissions reported they had no conflicts.

Consent Issues

MOTION: Commissioner Malchus made a motion to approve the minutes from June 10th Regular Meeting and Public Hearing. Hearing. Commissioner Rollins seconded the motion, all were in favor. The motion passed unanimously.

Discussions/Ordinances/New Business

Development Agreement Review-Bretten Lozano

Bretten explained that he is proposing to build two homes at 800 South 250 West. Both homes will be facing south. The home on lot 1 will connect the sewer in the alley. This home will have a basement. Lot 2 will be a home with crawl space. The home on lot 2 will require us to extend the main sewer line approx. 100 feet and install a manhole. We have met with the city council about the sewer line, and we have went through the steps they have asked. I just handed everything into Lisa tonight, so she has time to review it.

Chairman Willis explained that the subdivision code 14.02.090 states that the city may approve a subdivision through a development agreement. This would eliminate the process through the Subdivision Review Committee; however, the Planning and Zoning Commission still gets the opportunity to review the agreement and provide a recommendation back to the City Council.

Chairman Willis explained that this agreement allows for a modification to the main sewer line. Our code requires main sewer lines to be extended to the end of the property line. City Foreman Ben Stewart recommended to only require the sewer main line extension to the southeast corner of the property to service lot 2 shown in the picture below, with a manhole at the end of the line. This recommendation was because there will not be any future connections to this line. We didn't see a need to have them go an extra 100 feet.

Zoning Administrator Lisa explained that there is an empty lot to the north of these lots; however there is a main sewer line that runs down the alley behind this lot that can be connected to.

Commissioner Malchus asked how big the lots will be when subdivided. Zoning Admin Lisa answered they will be 75 X 100 making them 7,500 sq ft.

Commissioner Malchus asked if they have already been approved?

Zoning Admin explained that is what is in the development agreement. The development agreement is going to allow them to divide it into two conforming lots and allowing them to only extend the main sewer line to the southeast corner of lot 2. What they have presented meets all our zoning requirements.

(for clarification, normally we require all main lines to be extended to the end of the property lines for future development. Because there will be no future development going north, we are not requiring them to extend the entire length of property)

Commissioner Carter confirmed with Zoning Admin that they meet all other zoning requires. Lisa confirmed, yes they are meeting all other zoning requirements.

Zoning Admin Lisa explained that they will be required to meet setbacks, which will be checked during the building permit process.

Commissioner Malchus asked Bretten if he had already started digging. Bretten explained he did but have stopped.

Chairman Willis explained that the council has requested to the developer as part of the development agreement they provide a record of survey map, legal metes and bounds descriptions, title reports, tax clearance certificate and engineered sewer plans.

Zoning Admin Lisa commented that Bretten turned them in tonight and they will go before out engineer for review before the council signs the agreement.

MOTION: *Commissioner Chancey Carter made a motion to recommend the Development Agreement between Milford City, White Rock Home Builders and Neigh Ray Mathews to the City Council for approval. Commissioner Jake Rollins seconded the motion. All in favor. Motion passed unanimously.*

** Zoning Administrator explained to Bretten that the City Council will have this on their agenda on October 6th. They cancelled their September 15th meeting so they can attend the Beaver County Commission meeting that day.

Home Occupation Ordinance Discussion

Zoning Administrator Lisa explained to the commission that she has been working on updating the home occupation ordinance. A couple months back, we discussed the uses and how they needed to be updated to today's uses. I have been working on that as well as ensuring it complies with state code. Before I provide the commission with a draft, I have a couple of items I would like to discuss with you all. I have broken it down into two classifications, one being lower impact which would be someone without any employees-

something similar to making home crafts. The other classification is a higher-impact and then I also listed some specific uses as prohibited.

For the lower impact classification, would the commission agree to let these uses be approved administratively so the commission isn't getting flooded with applications for a very low impact business they want to run out of their home? The higher-impact uses would still come before the planning commission. Similar to what we just did with Ladell Bealer and his home occupation for detailing cars. We did an operating agreement with him, but I think it would be better to do a home occupation conditional use permit. I wouldn't want to charge them the regular fee of \$250 for a CUP, maybe \$25. Having it through a CUP would give us a little more leverage if they didn't follow the conditions. We could revoke the permit. With a CUP you can also put conditions on there that would help mitigate the impacts of the neighborhood and if they can't meet the conditions, the CUP can be denied.

Commissioner Carter asked by requiring a CUP is going to make it more difficult for them or is it a similar process?

Zoning Administrator explained that it would be similar.

All zoning commission agreed they were good with the processes presented.

Zoning Administrator Lisa also explained that in several codes she read she noticed they only allowed one home occupation per household, but I am wondering if it would be better to go with allowing a household to have one low impact and one high-impact occupation out of their home. Using the last applicant that came before us, the car detailing would be considered a higher-impact occupation but if his wife wanted to start selling Scentsy that would be considered a low impact occupation, but it wouldn't be allowed. I kind of felt that was governing too much. Would the commission agree to allow one low impact and one higher impact per household?

Commissioner Carter commented that she doesn't want to limit people by only allowing one.

Chairman Willis asked what we would charge for a CUP? Lisa replied she is thinking \$25.

Commissioner Schofield asked if it is a one time charge. Lisa replied yes.

Commissioner Malchus asked if they would have to renew the CUP each year. Lisa responded no, it would be reviewed if there is an issue.

Commissioner Schofield asked if there is a expiration date on the CUP. Lisa explained that if they failed to renew their business license that would be a condition of their CUP, therefore it could be revoked at that point.

Zoning Administrator Lisa explained that she would like to keep it simple but have enough in there that if they are not following the conditions and they are becoming a nuisance in the neighborhood, we have something to fall back on.

Commissioner Rollins asked about the different fees. Lisa explained that a resolution would be taken before the City Council to add a Home Occupation CUP to the fee schedule.

Update:

Chairman Willis updated on the Data Center Ordinance: Ryker with Sunrise has a draft ready but is going through it and fine tuning it before he sends it over. Once we have a solid draft it will be brought to the planning and zoning commission for review and discussion.

Zoning Administrator updated that she has a call scheduled for tmr morning to go over his draft. Once he sends it over I will send it out to you for review.

Chairman Willis commented that he isn't sure if you are aware but in council Lisa brought up that we want to get moving on this moratorium and we really felt like Ryker could help us get it done faster and ask the right questions, so we handed the reins over to him to come up with an ordinance.

Zoning Administrator explained that she had sent an email out to the commission updating them on this.

Commissioner Malchus commented that she is good with Ryker helping us out but she feels that before we finalize ours, we should take what the county is putting in theirs and make sure the understanding and wording match.

Zoning Administrator Lisa explained that she spoke with Commissioner Malchus last week and she mentioned that Matt Sterzer from the county has done a lot of research on data centers and he has a lot of notes, so I will ask him to share his notes with us, but I also want to remind everyone that the last time we met we had decided that the route we was going to take is not allowing them in city limits, however there are a lot of uses that fall under a data center that we need to be open to and allow some of them uses.

Chairman Willis explained that the moratorium covers data centers, solar, battery storage; however, Milford City probably isn't the place for data centers.

Commissioner Malchus commented that a small server like what is at the city office, bank etc is considered a data center so we need to make sure we aren't eliminating them.

Chairman Willis explained that he feels Ryker will ask the right questions and he feels he will get us on the right track.

COMMISSION REPORTS AND COMMENTS

- Tayson Willis- None
- Nick Schofield- None
- Lynae Malchus- When we were discussing the general plan and we discussed more medium-sized houses coming, I am wondering if it would be wise to have lot sizes redone instead of having a .17 size lot because that is a small home. So for example in Mapleton your lots cannot be smaller than 1/3 acre which is 13,000 square feet. If you have a bigger lot, then you are less likely to jam small houses on it. Lisa asked her if she

was talking about if someone was to come in a subdivide a new subdivision? Lynae answered yes, because part of keeping out town a small fill is not having houses on top of each other. Commissioner Carter commented that we are already on top of each other so it is a part of our town. Commissioner Rollins commented that he thinks most of the zones are already laid out the way, so if you were to develop you have to make your minimums. Lisa commented that the lots on the outskirts of town are in Rural Residential which requires larger lots but in the middle of town there is a 6,000 square foot minimum. Lisa commented that she thought they had discussed having larger lots on the outskirts of town. Lynae commented that maybe when someone comes in with a subdivision application, we make sure the lots are .25 acres or larger. It seems like in urban development they do the tiny lots and the houses are on top of each other which we already have in town but to keep the small town feel for a lot of people, finding ways we can do that. Lisa commented that she thinks she is following what Lynae is saying but she thinks that's how we have it laid out aside from the stuff that has already been platted and approved. Most everything that is in city limits is developed. There is this subdivision (Granite View Estates) that has already been approved and it has small lots. This subdivision was approved in the 80's. Lynae asked about petitioning a zone change. Lisa expressed that she has never went through a zone change and she will have to see what it intel's. Jake expressed that he feels like the landowner would have to do that. Lisa reminded the commission that she had sent out an email awhile back giving everyone an update on this subdivision. There has been a gentleman, Matt Loo working on this. He wants to start out with 28 homes but he is still working with landowners.

- Luke Ambrose- Absent
- Garland Walker- Absent
- Jake Rollins-None
- Chancey Carter- None
- Lisa Thompson- None

ADJOURNMENT

As there was no further business, the meeting was adjourned at 7:37pm

APPROVED by **PLANNING & ZONING** this _____ day of October, 2026.

LISA THOMPSON, Zoning Administrator

**CITY OF MILFORD
ORDINANCE 06-2026**

**AN ORDINANCE AMENDING TITLE 13 (ZONING ORDINANCE) OF THE
MILFORD CITY MUNICIPAL CODE TO ADD DEFINITIONS RELATED TO
DATA CENTERS, DATA CENTER POWER PLANTS, BACKUP GENERATORS,
AND ENERGY STORAGE (SECTION 13.01.040); TO PROHIBIT DATA CENTERS,
INCLUDING DATA CENTER POWER PLANTS, IN ALL ZONING DISTRICTS
(CHAPTER 13.02); TO ALLOW BACKUP GENERATORS AS A PERMITTED
ACCESSORY USE IN ALL ZONING DISTRICTS (CHAPTER 13.07); TO ALLOW
QUASI-PUBLIC ENERGY STORAGE FACILITIES AS A PERMITTED USE
SUBJECT TO STANDARDS IN THE INDUSTRIAL PARK (IP) AND
MANUFACTURING (M) DISTRICTS (CHAPTERS 13.20 AND 13.21); AND TO
ESTABLISH ENFORCEMENT AND PENALTY PROVISIONS (13.43)**

WHEREAS, Milford City (the "City") is authorized under the Utah Municipal Land Use, Development, and Management Act, Utah Code Title 10, Chapter 20, and by Title 13 of the Milford City Municipal Code, to enact and amend land use regulations to protect the public health, safety, and welfare; and

WHEREAS, on June 16, 2026, the City adopted Ordinance No. 04-2026, a temporary land use regulation and moratorium, and concurrently initiated proceedings to amend the Land Use Code to establish permanent regulations governing data centers and related uses; and

WHEREAS, the term "data center" is broad, and the City intends to define it precisely so as to prohibit high-impact, principal-use data center facilities while not affecting ordinary computer, server, and information-technology equipment that is accessory or incidental to another permitted use; and

WHEREAS, the City finds that data centers are high-intensity industrial uses that may impose significant and potentially irreversible demands on the City's limited culinary water supply, secondary water system, wastewater system, and electrical infrastructure that the City's resources cannot sustain, and that provide no offsetting benefit to the City sufficient to justify those demands; and

WHEREAS, the City finds that data centers are not excluded from the region by this Ordinance, in that substantial unincorporated land within Beaver County remains available and better suited to such large-scale industrial uses, so that this Ordinance does not foreclose the reasonable development of data centers within the area; and

WHEREAS, Ordinance No. 04-2026 also applied to data center power plants and utility-scale solar energy facilities, and the City finds that facilities generating electricity principally to serve data centers carry the same water, infrastructure, noise, and land use impacts as data centers themselves and should likewise be prohibited, and that Chapter 13.48 (Solar Energy) of the Milford City Municipal Code already prohibits solar farms within the City; and

WHEREAS, the City's culinary water supply is protected under the Milford City Source Protection Plan, and the City finds that regulating high-intensity energy uses and the storage of fuels and hazardous materials is necessary to implement that Plan; and

WHEREAS, the city finds that privately owned energy storage facilities that operate under an agreement with a public utility provider may be appropriate within the Industrial Park (IP) and Manufacturing (M) districts as a permitted use if subject to objective standards addressing the utility agreement, fire and life safety, environmental and disposal compliance, decommissioning, screening, and noise; and

WHEREAS, the City finds that allowing such facilities as a permitted use subject to clear, objective standards, rather than as a conditional use, provides greater predictability for applicants and the City, consistent with current guidance from the State of Utah, the Utah League of Cities and Towns, and the American Planning Association; and

WHEREAS, homes, businesses, medical facilities, and public facilities rely on backup generators to maintain essential services during power outages, and the City intends that such equipment remain permitted in all zoning districts as an accessory use and not be regulated as a principal energy facility; and

WHEREAS, the City finds that the standards of this Ordinance must be maintained for the life of a use, and that tying those standards to the City's business licensing and enforcement provisions is necessary to ensure continuing compliance; and

WHEREAS, the City has provided public notice and held public hearings as required by Utah Code and Title 13, and finds that adoption of this Ordinance is in the best interest of the City;

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

SECTION 1: **AMENDMENT** "13.01.040 Definitions" of the Milford Municipal Code is hereby *amended* as follows:

AMENDMENT

13.01.040 Definitions

For the purpose of this title, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Abut. Two adjoining parcels of property with a common property line, including two or more lots adjoining only at a corner, except where such common property line is located in a public street right-of-way. Access or Accessway. The place, means or way by which pedestrians and vehicles shall have safe, adequate, and usable ingress and egress to a property or use as required by this title.

Accessory Building. A subordinate building located on a building site, the use of which is customarily related to a main building or to the use of the land.

Accessory Energy Storage System. An energy storage device, including a battery backup system, that is accessory to a principal use on the same parcel and sized primarily to serve the electrical needs of that use, including backup power. An Accessory Energy Storage System is not an Energy Storage Facility or a Quasi-Public Energy Storage Facility and is not prohibited by this title.

Addition. An extension or increase in floor area or height of a building or structure. Air Contaminant. Particulate matter, dust, fumes, gas, mist, smoke, vapor, or any combination thereof having or tending to have a deleterious effect on human beings, vegetation, animals or property. Alley. An access roadway or drive that provides service access to the rear or sides of a parcel. Alteration. Any work on a structure that does not result in any addition to the structure. Ambient Noise Level. General noise level one finds in a certain area at a given time. Amendment. A change in the wording, context, or substance of this title, or an addition or deletion or a change in the zone boundaries or classifications upon the zoning map, which imposes any regulation not theretofore imposed, or removes or modifies any such regulation theretofore imposed. Amusement Arcade. Any business having five or more mechanical or electronic games as defined in this section. Animal Clinic. A place where animals no larger than the largest breed of dogs are given medical or surgical treatment; a facility primarily for treatment of out-patients and where only a short time, critical patients are kept longer than 24 hours. Boarding of animals shall be incidental to such clinic use. Animal, Domestic. Any domesticated animal or household pet commonly maintained in a dwelling unit with humans, which is not normally sold for commercial purposes. Animal, Exotic. Any animal or household pet not commonly maintained in a dwelling unit with humans, nor commonly maintained on a farm. Wild Animal means the same as Exotic Animal. Animal, Farm. Any animal commonly maintained or used on a farm or for farming purposes other than domestic animals. Animal Hospital. A place where animals are given medical care and the boarding of animals is limited to a short-term care incidental to the hospital use. Antennae. Devices, external to any structure, used for the purposes of sending or receiving electronically transmitted messages. Antique Shop. A establishment dealing in the buying and selling of items belonging to or typical of earlier times which are valued for their age. Apartment. A habitable room or suite of two or more habitable rooms with a single kitchen, in a multiple unit dwelling, occupied or suitable for occupancy as a residence for one family and shall be considered a dwelling unit. Apartment Hotel. A multiple-family dwelling with six or more guest rooms which furnishes services for the use of its tenants which are ordinarily furnished by hotels. Apartment House. Any building or portion thereof which is designed, built, rented, let or hired out to be occupied, or which is occupied as the home or residence of three or more families living independently of each other and doing their cooking in the building. Architectural Projections. Projections from a building which are necessary for the shading of a building or features such as sills, cornices and chimneys. Such projections may extend into required yards only as allowed by the provisions of this title. Automotive Repair Specialty Shops. A retail and service place of business engaged primarily in light repair, and sale of goods and service for automotive vehicles. Extensive automotive repair, including but not limited to transmission, body and engine repair, is not

included in this definition. Automotive Service Station. A retail place of business engaged primarily in the sale of motor fuels and supplying only those incidental goods and services which are required in the day-to-day operation of automotive vehicles and the fulfilling of motorist needs. Automotive, Trailer, and Mobile Home Sales Lot. An open area used for the display, sales or rental of new or used automobiles or trailer coaches or mobile homes, but where no major repair or repainting or remodeling is done. Automotive Wrecking Business. The dismantling or wrecking of used motor vehicles or trailers, or the storage and sale of dismantled or damaged vehicles or their parts, but not including the incidental storage of damaged vehicles in connection with the operation of a repair garage. Bachelor or Studio Unit. A dwelling unit consisting of a combined room for living and sleeping and a separate room for cooking.

Backup Generator: A stationary or portable generator, fuel cell, or similar device, together with its fuel supply, transfer switch, enclosure, and related equipment, that is located behind the meter (on customer side of the utility meter), is accessory to a lawfully established principal use, is sized primarily to serve the electrical needs of that use, and is operated only to supply power to that use during an interruption of utility service and for periodic testing and maintenance. A Backup Generator does not include a Data Center Power Plant or any generator operated to sell or export electricity or to supply primary or continuous power to a use.

Balcony. An unroofed or roofed platform enclosed by a railing or parapet projecting from the wall of a building for the private use of occupant or for exterior access to the above-grade living units. When a balcony is roofed and enclosed with operating windows or doors, it is considered part of the room it serves. Bar. Premises used primarily for the sale or dispensing of liquor by the drink for onsite consumption and where food may be available for consumption on the premises as accessory to the principal use. Basement. The portion of building between floor and ceiling which is partly or wholly underground. A basement shall be counted as a story for purposes of height measurement where more than one-half of its height is above the average level of the adjoining ground. Billiard Parlor. An establishment that has three or more billiards or pool tables. Boardinghouse or Rooming house. A dwelling unit where lodging is provided, with or without meals, for compensation, for five or more persons.

Building. A structure having a roof supported by columns or walls. Building Height. Vertical distance from the average elevation of the finished grade to the highest point on the structure directly above; provided, that a roof shall be measured to the highest point of the roof. Building Line. A line in the interior of a lot parallel to a property line and located at a distance equal to setback distance. Building, Main. A building or buildings within which is conducted the principal use permitted on the lot, as provided by this title. Building Site. A legally created parcel or contiguous parcels of land in single ownership, which provides the area and open spaces required by this title, exclusive of all vehicular and pedestrian rights-of-way and all other easements that prohibit the surface use of the property by the owner thereof. Building Site Coverage. The percentage of the building site covered by structures, open or enclosed excluding courts, patios, terraces, swimming pools, and post-supported roofs over walkways. Building Site, Through. Editor's note: This material is missing from the Zoning Ordinance. Business. Management, operation, sale, purchase or other transaction involving the handling or

disposition of commodities or services. Carport. A roofed structure, or a portion of a building, primarily for the parking of automobiles belonging to the occupants of the property. Certificate of Occupancy. A required document issued by the Building Official prior to the occupation or use of land or prior to occupation or use of buildings erected or structurally altered. Clinic, Medical. An organization of doctors providing physical or mental health service and medical or surgical care of the sick or injured but does not include in-patient or overnight accommodations. Club. An association of persons for some common purpose but not including groups organized primarily to render a service which is customarily carried on as a business. Cluster Development. An Arrangement of dwelling units, attached or detached which provides a number of dwelling units sufficient to meet density requirements, constructed on smaller lots in return for the restriction or dedication of the remaining acreage as permanent open space. Commercial. Operated or carried on primarily for financial gain. Commercial Complex. Two or more businesses shown on a common development plan, plot plan, or precise plan functioning as a unit, with common off-street parking provided on the property as an integral part of the unit. Commercial Recreation. Any use of development either public or private, providing amusement, pleasure, or sport, which is operated or carried on primarily for financial gain. Commission or Planning and Zoning Commission. The Milford City Planning and Zoning Commission. Community Collector. A medium-speed highway abutting similar land uses. The primary function is to collect and distribute trips within a hierarchy of roads and, secondarily, to carry short trips between adjacent neighborhoods. A community collector has a significant amount of parallel and perpendicular pedestrian traffic. Community Facility. A noncommercial use established primarily for the benefit and service of the population of the community in which it is located. Conditional Use. A use which requires a special degree of control because of characteristics peculiar to it, or because of size, technological processes, type of equipment, or because of the exact location with reference to surroundings, streets, existing improvements or demands upon public facilities. Condominium. A state of realty consisting of separate interests in residential buildings together with undivided interests common in other portions of same property unit as a separate interest, and common areas are entire condominium except units granted; thus, owners of condominiums are grantees of units. Each grantee owns a separate interest in his unit and an interest as granted in common, in common area. Convalescent Home, Nursing Home, Rest Home and Home for the Aged. Each mean a facility licensed by the State Department of Public Health, the State Department of Social Welfare, or the county, which provides bed and ambulatory care for patients with post-operative convalescent, chronically ill or dietary problems, and persons unable to care for themselves; but not including alcoholics, drug addicts, or persons with mental or contagious diseases or afflictions. Conventional Development. A development, other than a condominium, apartment, or cluster development, with each dwelling unit situated on a residential lot of record and no lot containing more than one dwelling unit. Corral. A pen or enclosure for confining horses or other large animals. Country Club. A club organized and operated primarily for social and outdoor recreation purposes, including incidental accessory uses and structures. Court. An unoccupied space, other than a yard, on the same lot with a building or a group of buildings.

Data Center: A building, structure, or facility, or a group of them on the same or contiguous parcels under common ownership or control, the principal use of which is to house computer

systems, servers, or related equipment for the storage, processing, distribution, transmission or computation of data, together with associated cooling, power conditioning, electrical generation, and support infrastructure. Electrical generation facilities, regardless of fuel source or technology, the principal purpose of which is to supply electricity to a Data Center or part of that Data Center, whether located on the same parcel, an adjacent parcel, or elsewhere, whether or not under common ownership or control, and whether or not interconnected to the electrical grid. The term includes, without limitation, a facility operated as a cryptocurrency mining operation or as an artificial intelligence or high-performance computing facility where such operation is the principal use. A Data Center does not include computers, servers, or information-technology equipment that is accessory or incidental to another permitted use such as a businesses or public entity's own server room or information-technology equipment, which is not regulated by this title.

Data Center Power Plant. Electrical generation facilities that are part of a Data Center as described in the definition of Data Center.

Day Nursery (Including Preschool and Nursery Schools). Any group of buildings, building or portion thereof, used primarily for the daytime care of six or more children at any location other than their normal place of residence. Density, Gross. The total number of dwelling units permitted on an acre of land exclusive of all existing public arterial streets and rights-of-way, but including all streets or right-of-way to be developed. Density, Net. The same as density except proposed streets and rights-of-way shall be excluded. Driveway. A vehicular passageway for the exclusive use of the occupants of a property and their guests. A driveway shall not be considered as a street. Duplex. An attached permanent building containing two dwelling units. Dwelling. Any building or portion thereof designed or used primarily as a residence or sleeping place of one or more family members, but not including a tent, travel trailer, hotel, motel, hospital, or nursing home. Dwelling Group. One or more buildings, not more than two stories in height, containing dwelling units and arranged around two or three sides of a court which opens onto a street, including single-family, duplex, and multiple-family dwellings. Dwelling, Guest. Living quarters within an accessory building which occupies not more than one-tenth of the area of the lot on which it is situated, for use exclusively by temporary, nonpaying guests of the resident family, such quarters having no kitchen. Dwelling, Multiple-Family. A building arranged or designed to be occupied by more than two (2) families. Dwelling, Single-Family. A building arranged or designed to be occupied by one (1) family, the structure having only one (1) dwelling unit. Dwelling, Two-Family. A building arranged or designed to be occupied by two (2) families, the structure having only two (2) dwelling units. Dwelling Unit. One (1) or more rooms in a dwelling, apartment hotel or apartment motel, designed for or occupied by one (1) family for living or sleeping purposes and having kitchen and bathroom facilities for the use of not more than one (1) family. Easement. A recorded right or interest in the land of another, which entitles the holder thereof to some use, privilege or benefit out of or over the land. Educational Institution. Private or public schools, colleges or universities qualified by the State Board of Education to give general academic instruction.

Energy Storage Facility. One or more devices, including battery systems, assembled to store

electrical energy and deliver it at a later time, developed as a principal use.

Family. An individual, or two (2) or more persons related by blood, marriage or adoption, or a group of not more than four (4) persons (excluding servants) who are not related, living in a dwelling unit as a single housekeeping unit and using common cooking facilities. Fence. A free standing structure of metal, masonry, composition or wood or any combination thereof resting on or partially buried in the ground, and used for confinement, privacy, protection, screening or partition purposes. Floor Area, Gross. The total horizontal area, in square feet, including the exterior walls of all floors of a structure. Floor Area Ratio. The numerical value obtained by dividing the gross area of a building or buildings located upon a lot or parcel of land by the total area of such lot or parcel of land. Fortunetelling. Telling of fortunes, forecasting of future events or furnishing of any information not otherwise obtainable by the ordinary process of knowledge, by means of any occult or psychic power, faculty or force, including but not limited to clairvoyance, aliraudience, cartomancy, phrenology, spirits, tea leaves, or other such reading, mediumship, seership, prophecy, augury, astrology, palmistry, necromancy, mind-reading, telepathy, or other craft, art, science, cards, talisman, charm, potion, magnetism, magnetized article or substance, crystal gazing, oriental mysteries, or magic of any kind or nature or similar means of act. Freeway. A high-speed divided arterial highway for through traffic with full control access and grade separations at major intersections. A freeway has emergency parking only and no parallel or perpendicular pedestrian movements. Garage, Private. A building, or a portion of a building, enclosed and used primarily for the parking of automobiles belonging to the occupants of the property. Garage, Public. A building, or a portion of a building, enclosed and used primarily for the parking of automobiles belonging to the general public. General Plan and The Milford City General Plan. The general plan of the city. Grade, Ground Elevation. The average elevation of the finished ground surface surrounding a building. Grazing. The act of pasturing livestock on growing grass or other growing herbage, or on dead grass or other dead herbage existing in the place where grown, as the principal sustenance of the livestock so grazed. Gross Area. The horizontal area within the lot lines of a lot or parcel of land before public streets, dedicated or reserved for public use are deducted from such lot or parcel. Guest House. Living quarters within an accessory building located on the same premises with the main building for use by temporary guest of the occupants of the premises, having no kitchen and not rented or otherwise used as a separate dwelling. Habitable Room. Any room for sleeping or living purposes excluding such enclosed places as closets, bath or toilet rooms, connecting corridors, unfinished attics, foyers, storage spaces, utility rooms, spaces used exclusively for cooking or eating, and similar spaces. Home Occupation. An occupation conducted as an accessory use within a dwelling unit. Hospital. A facility licensed by the state Department of Public Health providing clinical, temporary emergency service of medical, obstetrical or surgical nature to human patients. Hotel. Any building or portion thereof with access provided through a common entrance, lobby or hallway to six or more guest rooms, and which rooms are designed, intended to be used or are used, rented or hired out as temporary or overnight accommodations for guests. Improvements. Any man made artifacts which add to the value or enhance the value of land, e.g. streets, utilities, buildings. Industry. The manufacture, fabrication, processing, reduction or destruction of any article, substance or commodity, or any other treatment thereof in such a manner as to change the form, character, or appearance thereof, and includes storage elevators,

truck storage yards, warehouses, wholesale storage and other similar types of enterprise.

Institution. A social, educational, governmental, health, or religious organization. Intensity. The magnitude of activity affecting the development of densities, traffic flow, commercialism, tourism and land use. Junk. Any worn out, castoff, or discarded article or material. Junk and Salvage Yard. Any property used for the breaking up, dismantling, sorting, storage, distribution, or sale of any scrap, waste material or junk. Kennel. . A lot where a maximum of four dogs are kept or maintained. Kennel, Commercial. Any kennel or property maintained for the purpose of boarding, breeding, raising or training dogs or cats for a fee or for sale. Kitchen. Any room in a building or dwelling unit which is used for cooking and preparation of food. Landscaping. The planting of suitable plant materials or a combination of plant materials with minimum areas of paving, gravel, or otherwise dust free materials including an adequate irrigation system. Laundromat. A business premises equipped with individual clothes washing and drying machines whether coin-operated or attendant operated for the use of retail customers, exclusive of laundry facilities provided an accessory use in an apartment house, hotel or motel. Laundry, Commercial. A building where clothing and fabrics are washed, other than a laundromat and is defined in this title as an industrial use.

Line of Sight. A visual path emanating from average eye level judged to be five feet above the ground. Loading Space. An off-street space or berth on the same lot with a main building, or contiguous to a group of buildings, for the temporary parking of one or more commercial vehicles, while loading or unloading, and which has access from a street, alley, or other permanent means of ingress or egress. Local Street. A low speed, low-volume highway primarily for access to residential, business, and other abutting property. Lot. Any numbered or lettered parcel shown on a recorded tract map, a record of survey recorded pursuant to an approved division of land or a recorded parcel map. Lot, Corner. A lot located at the intersection or interception of two or more streets at an angle of not more than 135 degrees, which lot shall be considered a corner lot. If greater than 135 degrees, the lot shall be considered an exterior lot. Lot Depth. The average horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines. Lot, Flag. A lot so shaped and designed that the main building site area is set back from the street on which it fronts and includes an access strip not less than 20 feet in width at any point connecting the main building site area to the frontage street. Lot, Interior. A lot other than an exterior, corner or reverse corner lot. Lot, Key. The first lot to the rear of a reverse corner lot and not separated by an alley. Lot Line. Any line bounding a lot as defined in this section under Lot. Property Line. means the same as Lot Line. Lot Line, Front. On an interior lot, the front lot line is the property line abutting the street. On a corner or reverse corner lot, the front lot line is the shorter property line abutting a street, except in those cases where the subdivision or parcel map specified another line as the front lot line. On a through lot or a lot with three or more sides abutting a street or a corner or reverse corner lot with lot lines of equal length, the front of the building shall determine which property line shall be the front lot line for the purposes of compliance with yard and setback provisions of this title. On a private street or easement, the front lot line shall be designed as the edge of the easement. Lot Line, Interior. A lot line not abutting a street. Lot Line, Rear. A lot line not abutting a street which is opposite and most distant from the front lot line; in the case of an irregularly shaped lot, a line within the lot, having a length of not less than ten feet. A lot which is bounded on all sides by streets may have no rear lot lines. Lot Line, Side. Any lot line not a front lot line or rear lot line. Lot,

Reverse Corner. A corner lot, the side line of which is substantially a continuation of the front lot lines of the lot to its rear, whether across an alley or not. Lot, Through. A lot having frontage on two dedicated parallel or approximately parallel streets Lot Width. The horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines. Marquee. A roofed structure or awning or canopy attached to and supported by the building and extended over a building line and into public property. Manufactured Home. A transportable factory built housing unit, complying with the Utah Uniform Building Standards Act, 58-56-3-9. A unit constructed on or after June 15, 1976 according to the Federal Home Construction and Safety Standards Act of 1974 (HUD Code), in one or more sections, which in the traveling mode, is eight (8) body feet or more in width and forty (40) body feet or more in length, or when erected on its site is four hundred (400) or more square feet and which is built on a permanent chassis and is designed to be used as a dwelling, with or without a permanent foundation when connected to the required utilities, including plumbing, heating/cooling and electrical systems. All manufactured homes constructed on or after June 15, 1976, shall be identifiable by the manufacturers data plate bearing the date the unit was manufactured and a HUD label attached to the exterior of the home, certifying that the home was manufactured to HUD standards. Does not include a recreational vehicle or commercial coach. Manufactured Home Park. Any area or tract of land a minimum of ten (10) acres, where five (5) or more Manufactured Home lots are sold, rented or leased or held out for rent or lease to accommodate manufactured homes for human habitation, including manufactured home accommodation structure. The rental paid for such manufactured home is deemed to include rental for the lot it occupies. Marquee. A roofed structure or awning or canopy attached to and supported by the building and extended over a building line and into public property. Master Plan of Drainage. An engineering report outlining the drainage facilities needed for the proper development of a specific land increment of the city, and duly adopted by the City Council. Mechanical or Electronic Game. Any machine, apparatus, contrivance, appliance, or device which may be operated or played upon the placing or depositing therein of any coin, check, slug, ball, or any other article or device, or by paying therefore either in advance of or after use, involving in its use either tokens or change, including, but not limited to tape machine, card machine, pinball machine, bowling game machine, shuffle board machine, marble game machine, horse racing machine, bowling game machine, baseball game machine, football game machine, electronic video game, or any other similar machine or device. Ministorage or Miniwarehousing. A building or complex of buildings containing separate, enclosed units or cubicles, or other spaces which are available for rent, lease or sale to individuals for storage of goods, personal belongings and other miscellaneous articles of value. Model Home. A dwelling or residential building having all of the following characteristics: The dwelling is constructed upon a proposed lot previously designated as a model home site in a subdivision for which there is an approved tentative map and for which a final map has been recorded. The dwelling is intended to be temporarily utilized as an example of the dwellings which have been built or which are proposed to be built in the same subdivision. Mobile Home. Mobile Home for the purpose of this ordinance shall carry the same connotation and definition as "manufactured home" and has no other meaning. Mobile Home Park. Any area or tract of land where one or more mobile home lots are sold, rented or leased or held out for rent or lease to accommodate mobile homes used for human habitation, and includes mobile home accommodation structure. The rental paid for any

such mobile home is deemed to include rental for the lot it occupies. Model Home. A dwelling or residential building having all of the following characteristics:

1. The dwelling is constructed upon a proposed lot previously designated as a model home site in a subdivision for which there is an approved tentative map, and for which a final map has been recorded.
2. The dwelling is intended to be temporarily utilized as an example of the dwellings which have been built or which are proposed to be built in the same subdivision.

Motel. Motel shall be referred to in this title as hotel, inn, motor inn, or lodge and means a building or group of buildings containing guest rooms or dwelling units designed, intended, or used primarily for the accommodation of transient automobile travelers; including but not limited to buildings or building groups designated as auto cabins, motor courts, or motor hotels. Motor Vehicle. A self-propelled device used or intended to be used for the transportation of freight or passengers upon a street or highway, excepting a device moved by human power or a device used exclusively upon stationary rails or tracks. Net Area. The total horizontal area within the property lines of a lot or parcel of land exclusive of all right-of-way. Nightclub. An establishment dispensing liquor and meals and in which music, dancing, or entertainment is conducted. Noncommercial. An enterprise or activity which is not normally conducted for profit or gain. Nonconforming Structure. A lawfully established building or structure that does not conform to the regulations of this title or is designed for a use that does not conform to the regulations of this title for the district in which it is located, either on the date of adoption of this chapter or as the result of subsequent amendments to this chapter. Office. A place where a particular type of business is transacted or a service is supplied. The following types of uses are typical office functions:

1. Agricultural, business, and personal credit services; security and commodity brokers, dealers,

Open Space, Developed. Open space substantially free of structures but possibly containing improvements which are part of a development plan or are appropriate for the residents of any residential development. Open Space, Natural. Any parcel of land or water which is essentially unimproved and devoted to an open space use. Parcel. The same as Lot, as defined in this section. Parking Area, Private. An area, other than a street, designed or used primarily for the parking of private vehicles and not open to general public use. Parking Area, Public. An area, other than a private parking area or street, used for the parking of vehicles and available for general public use, either free or for remuneration. Parking Area, Restricted. An area used for parking vehicles on a semi-permanent basis and not available to the general public for hourly or day-to-day parking. Parking Stall. The space within a building or a private or public parking area, exclusive of driveways, ramps, columns, office and working areas, for the parking of one automobile. Parkway. A relatively low speed arterial highway abutting and distributing trips to a variety of land uses. This facility primarily serves short range trips. A parkway has emergency parking only and will have considerable parallel and perpendicular pedestrian movement. Pathway. An access way to accommodate pedestrians, bicycles, and electric carts. Pawnbroker shop. A secondhand dealership as defined herein. Pedestrianway. A right-of-way for pedestrians, free from vehicular traffic and including access ramps, stairs, and mechanical

lifts and routes through buildings which are available for public use. Personal Service Establishment. A place where specified services are provided to individuals for their comfort or convenience. The following types of uses are typical personal service establishment functions: Beauty or barber shops, locksmiths, photography studios, shoe repair, dry cleaners, Laundromats, tailors, dressmaking shops, and pet grooming. Planned Development. A development of parcels of land as a coordinated project which have been developed according to an approved development plan. Adequate control of the development is provided in order to maintain aesthetic values and to protect the investment of developers as well as the community as a whole. Planned developments may be either residential, commercial, or industrial in nature or a combination thereof. Planned Street Line. The planned right-of-way for a major or secondary highway or traffic collector street. A yard abutting such a highway or street shall be measured from this planned right-of-way line. Pool. Any structure for swimming, bathing or wading or as a fish pond or similar use. Private. Belonging to, or restricted for the use or enjoyment of particular persons. Public Safety Area. A strip of land adequate in width adjacent to and parallel with a street right-of-way. Public Way. Any street, alley, pedestrian way, pathway, channel, viaduct, subway, bridge, easement, right-of-way or other way in which the public has a right of use.

Quasi-Public Energy Storage Facility. A privately owned Energy Storage Facility that operates under an agreement with a public utility provider to provide energy storage or grid-support services to or for that provider.

Real Estate Tract Sales Office. A temporary use of a building for the sole purpose of selling residences within a particular subdivision or series of subdivisions. Recreational Vehicle. A travel trailer, pickup camper, or motorized home, with or without motive power, designed for human habitation for recreational or emergency occupancy. Restaurant, Take-Out. Any commercial establishment serving food or drinks, making provisions encouraging consumption of food or beverage at home or on other premises which do not serve people directly in automobiles. Retail. The selling of goods, wares or merchandise directly to the ultimate consumer. Riding and Hiking Trail. A trail or way designed for and used by equestrians, pedestrians, and cyclists using nonmotorized bicycles. Right-Of-Way. An area or strip of land, either public or private, on which a right of passage has been recorded. Roof Mounted Equipment. Anything other than roofing materials or skylights which is used for the operation of any building including, but not limited to heating, ventilation and air conditioning units, vents, antennae, air ducts, and equipment hoods. Salvage. Any article or materials which is to be or intended to be reclaimed or saved from destruction. Sanitarium, Health. An institution where patients, other than mental or drug addict patients, are housed and where medical or post surgical treatment is provided. Sanitarium, Mental. An institution for the recuperation and treatment of victims of mental disorders or drug addiction. Scenic Highway. Any highway designated as a scenic highway by an agency of the city, county, state or federal government. Secondhand Dealership. Any individual personal partnership, firm or corporation whose business includes buying, selling, trading, taking in pawn, accepting for sale on consignment, or accepting for auctioning, secondhand tangible property. Service. An act or any result of useful labor, which does not, in itself, produce a tangible commodity. Setback Area. The area between the building line and the property line, or when abutting a street, the ultimate right-of-

way line. Setback Distance. The distance between the building line and the property line, or when abutting a street, the ultimate right-of-way line. Shopping Center. An integrated development of retail and service commercial activities on one or more lots of land sharing common parking and signing facilities and serving a wide spectrum of community shopping needs. Sidewalk. That portion of a thoroughfare, other than a roadway, set apart by curbs, barriers, markings, or other delineation's for pedestrian travel. See also Pedestrianway as defined in this section. Sign. Any device used for visual communications or attraction, including any identification, announcement, declaration, demonstration, display, illustration, insignia or symbol used to advertise or promote the interest of any person; together with all parts, materials, frame and background. Sign and Advertising Device, for the purpose of this chapter, do not include the following for purposes of this title;

1. Official notices issued by any court or public body or officer;
2. Notices posted by any public officer in performance of a public duty or by any person in giving any legal notice;
3. Directional, warning, or information signs or structures required by or authorized by law or by federal, state or county authority or;
4. The flag of the state or of the United States or any official flag of any other state or country.

Specific Plan. A definite statement adopted by ordinance of policies, standards, and regulations, together with a map or description defining the location where such policies, standards, and regulations are applicable pursuant to the requirements of the Government Code of the state. Stable, Private. A building or a portion of a building used to shelter and feed equines which are used exclusively by the occupants of the property on which the stable is situated. Stable, Public. A stable other than a private stable. Story. That portion of a building included between the upper surface of any floor and upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. Street or Highway. A public or private vehicular right-of-way other than an alley. Street Opening. The centerline of a street right-of-way as established by official survey. Structure. Anything constructed or erected requiring a fixed location on the ground or attached to something having a fixed location on the ground except business signs and other improvements of a minor character. Structural Alterations. Any change in supporting members of a building or structure. Swap Meet, Indoor or Outdoor. An event at which two or more persons or entities offer goods or services for sale or exchange, and at which a fee is charged to the party selling the goods or the buyer is charged for the privilege of entering the site to engage in sales transactions. Also may be referred to as Flea Markets, Swap Lots, Open Air Markets, or Outdoor Bazaars. Swimming Pool. An artificial body of water having a depth in excess of 18 inches, designed, constructed and used for swimming, dipping or immersion purposes by humans. Thrift Shop. A secondhand dealership as defined herein. Townhouse Development. A cluster development consisting of attached two-story dwelling units.

Transfer Switch. A manual or automatic switching device, or a utility-approved interlock device, listed by a nationally recognized testing laboratory and installed in accordance with the

electrical code adopted by the State of Utah, that transfers an electrical load between the utility service and a Backup Generator or other alternate power source while preventing the simultaneous connection of both sources and the backfeed of electricity onto the utility system.

Ultimate Right-Of-Way. The right-of-way shown as ultimate on an adopted precise plan of highway alignment; or the street rights-of-way shown within the boundary of a recorded tract map, a recorded parcel map, or a recorded development plan. The latest adopted or recorded document in the cases mentioned in this section shall take precedence. If none of these exist, the ultimate right-of-way shall be considered the right-of-way required by the highway classification as shown on the master plan of arterial highways. In all other instances, the ultimate right-of-way shall be considered to be the existing right-of-way. Use, Accessory. A use customarily incidental and accessory to the principal use of the land or building site, or to a building or other structure located on the same building site as the principal use. Use, Principal. The main purpose for which land or a building is occupied, arranged, designed or intended, or for which either land or building is or may be occupied or maintained. Use, Temporary. A use which is required for the proper function of the community or temporarily required in the process of establishing a permitted use, or construction of a public facility. Such use shall be permitted only after the issuance of a temporary use permit as established by the provisions of this chapter. Valet Parking. Vehicular parking whereby a parking attendant is utilized to park cars in an assigned area that is not available to the general public. Vehicular Accessway. A private, nonexclusive vehicular easement affording access to abutting properties. Vehicle, Commercial. A vehicle which when operated upon a highway is required to be registered as a commercial vehicle by the state Vehicle Code, and which is used or maintained for the transportation of persons for hire, compensation or profit, or designed and used primarily for the transportation of property. Wholesale. A business establishment engaged in selling to retailers or jobbers, rather than consumers. Wing Wall. An architectural feature in excess of six feet in height which is a continuation of a building wall projecting beyond the exterior walls of a building. Yard. Any open space on the same lot with a building or dwelling group, which space is between the setback lines and the lot lines of the parcel or the planned street line and is unoccupied and unobstructed except for projections permitted by this chapter. Zone. A zoning district, as defined in the State Conservation and Planning Act, shown on the zoning map to which uniform regulations apply. Zoning Ordinance or This Ordinance. The comprehensive zoning ordinance of the city. Zoning Map. The official zoning map of the city which is a part of this title.

SECTION 2: ADOPTION “13.02.020 Data Centers Prohibited” of the
Milford Municipal Code is hereby *added* as follows:

ADOPTION

13.02.020 Data Centers Prohibited(*Added*)

Data Centers, as defined in Section 13.01.040, including any Data Center Power Plant, are

prohibited in all zoning districts within Milford City. No application, permit, or business license for the establishment, construction, or operation of a Data Center shall be accepted, processed, approved, or issued. This section does not prohibit computer, server, or information-technology equipment that is accessory or incidental to another permitted use, an Accessory Energy Storage System, a Backup Generator meeting the requirements of Section 13.07.200, or a Quasi-Public Energy Storage Facility permitted under Chapters 13.20 and 13.21.

Nothing in this section authorizes a Solar Farm, which remains prohibited under Section 13.48.040, or any solar energy system that does not comply with Chapter 13.48 (Solar Energy).

SECTION 3: ADOPTION “13.07.200 Backup Generators” of the Milford Municipal Code is hereby *added* as follows:

ADOPTION

13.07.200 Backup Generators(*Added*)

1. **Permitted in All Zones.** A Backup Generator is a permitted accessory use in all zoning districts when it serves a lawfully established principal use, including dwellings, businesses, hospitals and medical facilities, schools, public facilities, and public utility structure, subject to this section. No land use approval is required beyond the building, electrical, and other permits required by adopted codes.
2. **Authorized Operation.** A Backup Generator may be operated only:
 - a. To supply power to the principal use it serves during an interruption of utility service; and
 - b. For testing and maintenance in accordance with the manufacturer's recommendation or as required by applicable code or law. Routine, non-emergency testing shall be conducted between 8:00 a.m. and 6:00 p.m. unless a different schedule is required by applicable codes or law.
3. **Prohibited Operation.** A Backup Generator shall not be used to supply primary or continuous power to any use, to sell or export electricity to the utility system or any other party, or to supply power to a use on another parcel. A generator operated contrary to this subsection is not a Backup Generator and is subject to the provisions of this title governing the use it then constitutes.
4. **Transfer Switch Required.** A permanently installed Backup Generator, and any portable generator connected to a building's electrical system, shall be connected only through a Transfer Switch. Back feeding a building's electrical system through a receptacle or by any other means without a Transfer Switch is prohibited. A portable generator that powers equipment only through cords plugged directly into the generator is not required to use a Transfer Switch.
5. **Classification.** A Backup Generator, together with its Transfer Switch, fuel storage, enclosure, related equipment, and any Accessory Energy Storage System, located

behind the meter and serving a lawfully established principal use, is accessory to that use. Such equipment shall not be classified as an Energy Storage Facility, a Quasi-Public Energy Storage Facility, a Data Center Power Plant, or any other principal energy facility or use.

6. **Location.** A permanently installed Backup Generator shall be located in compliance with the clearance and separation requirements of the adopted building, fire, and electrical codes and the manufacturer's installation instructions, and shall not be located within a public right-of-way or within a utility easement without the consent of the easement holder.
7. **Noise.** Backup Generators shall comply with the Milford City Noise Ordinance, Chapter 9.06 of the Milford City Municipal Code.
8. **Fuel Storage and Source Protection.** Fuel storage for a Backup Generator shall comply with the fire code adopted by the State of Utah. Within a drinking water source protection zone identified in the Milford City Source Protection Plan, fuel storage shall also comply with that Plan and with the Utah Administrative Code R309-600.
9. **Federal and State Requirements.** Backup Generators shall comply with all applicable federal and state laws, regulations, permits, codes, and safety requirements, including air quality requirements of the Utah Division of Air Quality and the U.S. Environmental Protection Agency where applicable, in addition to the requirements of this title.

SECTION 4: AMENDMENT “13.21.020 Permitted Uses” of the Milford Municipal Code is hereby *amended* as follows:

AMENDMENT

13.21.020 Permitted Uses

The following are permitted uses in any M district:

1. Administrative, business or professional offices;
2. Research and development facilities;
3. Light industrial including, but not limited to, auto body and paint shops, cabinet or woodworking shops, framing, furniture shops, windshield repair, product service center, or engine rebuilding shops.
4. Public parks or recreational facilities;
5. Day care centers;
6. Distribution or trucking uses including parcel service delivery depot;
7. Assembly including, but not limited to, clothing, electrical appliances, electronic or electrical instruments, radios, phonographs, toys, novelties, heating and ventilating ducts, or signs;
8. Public utility structures

9. Wholesaling;
10. Auto related uses including, but not limited to, repair garages, gasoline/service stations or car washes;
11. Veterinary hospitals;
12. Warehousing or storage;
13. Mini-storage;
14. Household appliance repair including, but not limited to, refrigerators, washers, dryers, televisions or radios;
15. Outdoor storage, when completely screened from public right-of-way, including, but not limited to, contractors yards, vehicle storage, lumber yards, construction supplies, vehicle storage, equipment rental yards;
16. Cleaning, dyeing or laundry plants;
17. Retailing, secondary and appurtenant to a wholesale or manufacturing outlet;
18. Salvage or recycling buy-back collection centers;
19. Radio or television broadcast stations or cable television facilities;
20. Furniture upholstery shops;
21. Mortuary;
22. Animal boarding kennels or shelters;
23. Railroad related loading and distribution activities;
24. Batch plants;
25. Bus, rail or rapid transit depot or station; and
26. 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.
27. Quasi-Public Energy Storage Facilities. subject to the standards of Section 13.21.070.

SECTION 5: AMENDMENT “13.20.020 Permitted Uses” of the Milford Municipal Code is hereby *amended* as follows:

AMENDMENT

13.20.020 Permitted Uses

The following are permitted uses in any IP district:

1. Administrative, business or professional offices;
2. Public parks or recreational facilities;
3. Research and development facilities;
4. Day care centers;
5. Light industrial including, but not limited to, auto body and paint shops, machine or tool and dye shops, cabinet or woodworking shops, framing, furniture shops, windshield repair, product service center, or engine rebuilding shops.
6. Distribution or trucking uses including parcel service delivery depot;
7. Assembly including, but not limited to, clothing, electrical appliances, electronic or

- electrical instruments, radios, phonographs, toys, novelties, heating and ventilating ducts, or signs;
8. Public utility structures
 9. Wholesaling;
 10. Auto related uses including, but not limited to, repair garages, gasoline/service stations or car washes;
 11. Veterinary hospitals;
 12. Warehousing or storage
 13. Mini-storage;
 14. Household appliance repair including, but not limited to, refrigerators, washers, dryers, televisions or radios;
 15. Outdoor storage, when completely screened from public right-of-way, including, but not limited to, contractors yards, vehicle storage, lumber yards, construction supplies, vehicle storage, equipment rental yards;
 16. Landscape nurseries;
 17. Cleaning, dyeing or laundry plants;
 18. Retailing, secondary and appurtenant to a wholesale or manufacturing outlet;
 19. Salvage or recycling buy-back collection centers
 20. Radio or television broadcast stations or cable television facilities; and
 21. 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.
 22. Quasi-Public Energy Storage Facilities. subject to the standards of Section 13.21.070.

SECTION 6: ADOPTION “13.21.070 Quasi-Public Energy Storage Facility Standards” of the Milford Municipal Code is hereby *added* as follows:

ADOPTION

13.21.070 Quasi-Public Energy Storage Facility Standards(*Added*)

A Quasi-Public Energy Storage Facility is a permitted use in the Industrial Park (IP) and Manufacturing (M) districts only if it complies with standards in this section and all other generally applicable development requirements of the Milford City Code. These standards are conditions of both approval and continuing operation. A facility that does not meet and maintain each standard is not a permitted Quasi-Public Energy Storage Facility.

1. **Utility Agreement.** The facility shall operate under, and maintain for the life of the use, a qualifying agreement with a public utility provider. Evidence of the agreement shall be provided at application and upon the City's request. For purposes of this section:
 - a. "Public Utility Provider" means an investor-owned public utility regulated by the Utah Public Service Commission; a rural electric cooperative; and/or a municipal power provider serving the area;

- b. "Qualifying Agreement" means a power purchase agreement, interconnection and service agreement, capacity or tolling agreement, or comparable agreement under which the facility provides energy storage or grid-support services to or for the public utility provider; and
 - c. If the qualifying agreement lapses, expires, or terminates without an approved replacement, the facility ceases to qualify as a permitted Quasi-Public Energy Storage Facility, and the decommissioning obligations of this section apply.
- 2. **Fire and Life Safety.** The facility shall comply with all applicable fire and building codes and other state adopted codes as amended from time to time including provisions for thermal-runaway protection, fire suppression, emergency-responder access, and separation and setbacks from property lines, occupied structures, and residential uses.
- 3. **Environmental and Disposal Compliance.** The facility shall comply with all applicable federal, state, and U.S. Environmental Protection Agency requirements governing the handling, storage, transportation, recycling, and disposal of batteries, electrolytes, and related hazardous materials, including applicable universal-waste and hazardous-waste rules. The applicant shall provide a hazardous-materials management plan. A facility located within a drinking water source protection zone identified in the Milford City Source Protection Plan shall comply with all applicable requirements of the Plan and of Utah Administrative Code R309-600.
- 4. **Decommissioning and Financial Assurance.**
 - a. **Decommissioning Plan.** The applicant shall provide a decommissioning plan providing for the complete removal of all equipment, foundations, appurtenances, and associated infrastructure, and restoration of the site, upon cessation of use or lapse of the qualifying agreement without an approved replacement.
 - b. **Financial Assurance Required.** Before commencing operation, the applicant shall post and thereafter continuously maintain financial assurance, payable to the City, sufficient to ensure removal of the facility and restoration of the site. The financial assurance shall be provided in one or more of the following forms: a surety bond; an irrevocable letter of credit; or cash escrow. A parent-company guarantee may be accepted at the City's discretion.
 - c. **Amount.** The amount of the financial assurance shall be based on a decommissioning cost estimate, prepared by a licensed professional engineer at the applicant's expense, of the cost to the City of removing the facility and restoring the site, less salvage value.
 - d. **Periodic Update.** The decommissioning cost estimate of the financial assurance amount shall be reviewed and updated at least every five (5) years, by a licensed professional engineer at the applicant's expense, to account for inflation, changes in removal cost, and changes in salvage value.
 - e. **Maintenance and Release.** The financial assurance shall be maintained in full force for the life of the use. Lapse, cancellation, or expiration of the financial assurance without an approved replacement is a violation of this title and grounds for enforcement. The financial assurance shall be released only after the City confirms that decommissioning and site restoration are complete.

- f. **Federal and State Decommissioning Requirements.** Decommissioning shall be conducted in accordance with all applicable federal and state requirements, including applicable U.S. Department of Energy regulations and guidances; U.S. Environmental Protection Agency regulations governing hazardous and universal waste (40 C.F.R. Parts 260 through 273); U.S. Department of Transportation hazardous materials regulations governing the transport of batteries (49 C.F.R. Parts 171 through 180); and the decommissioning provisions of the fire code adopted by the State of Utah. Where those requirements and this section differ, the more stringent requirement applies.
5. **Screening and Noise.** The facility shall be screened from adjacent public rights-of-way and residential uses in accordance with the applicable provisions of this title, and shall comply with the Milford City Noise Ordinance, Chapter 9.06 of the Milford City Municipal Code, and any other applicable noise standards.
6. **Continuing Compliance.** The standards of this section are continuing obligations for the life of the use. The owner or operator shall:
- a. **Business License.** Obtain and maintain a Milford City Business License for the facility for the life of the use in accordance with Title 6 of the Milford City Municipal Code. No business license shall be issued or renewed for a facility that does not comply with this section.
 - b. **Annual Certification.** With each business license application and renewal, submit evidence that the qualifying agreement remains in effect, that the required financial assurance remains in full force, and that the facility has a current inspection or approval from the fire code official, together with a written certification by the owner or operator that the facility complies with this section and all required permits.
 - c. **Notice.** Notify the City in writing within thirty (30) days of any lapse, termination, or replacement of the qualifying agreement or financial assurance or any change in owner or operator, and within forty-eight (48) hours of any fire, thermal-runaway event, or hazardous materials release at the facility, in addition to any notice required by law.
 - d. **Inspection.** Allow the City to inspect the facility upon reasonable notice to verify compliance with this section.
 - e. **Effect of Noncompliance.** Failure to maintain compliance with this section is a violation of this title, is grounds for denial, suspension, or revocation of the business license, and is subject to enforcement under Chapter 13.43.
7. **Federal and State Requirements.** In addition to the requirements of the Milford City Municipal Code, the facility shall comply with all applicable federal and state laws, regulations, permits, codes, and safety requirements, including those administered by the Utah Public Service Commission, the Utah Department of Environmental Quality, the Utah State Fire Marshal, the Federal Energy Regulatory Commission, the U.S. Department of Energy, and the U.S. Environmental Protection Agency, as applicable. City approval does not relieve the owner or operator of any such requirement, and compliance with such requirements does not relieve the owner or operator of any

- requirements of this title except to the extent preempted by state or federal law.
8. **Solar Energy.** Any solar energy system associated with the facility shall comply with Chapter 13.48 (Solar Energy). A Solar Farm, as defined in Section 13.48.020, is not permitted in conjunction with a Quasi-Public Energy Storage Facility.

SECTION 7: ADOPTION “13.43.040 Data Centers, Energy Storage Facilities, And Backup Generators” of the Milford Municipal Code is hereby *added* as follows:

ADOPTION

13.43.040 Data Centers, Energy Storage Facilities, And Backup Generators(*Added*)

1. **Violations.** It is a violation of this title to:
 - a. Establish, construct, operate, or maintain a Data Center including a Data Center Power Plant;
 - b. Establish or operate an Energy Storage Facility except as permitted by this title, or fail to maintain any standard of Section 13.21.070, including the qualifying agreement, financial assurance, and business license;
 - c. Fail to decommission a facility and restore the site as required by Section 13.21.070; or
 - d. Install or operate a Backup Generator contrary to Section 13.07.200, including operation without a required Transfer Switch.
2. **Penalties.** A violation of this section is subject to the penalties of Section 13.43.030. Each day during any portion of which a violation is committed or continued is a separate offense.
3. **Additional Remedies.** In addition to the penalties of Section 13.43.030, the City may:
 - a. Deny, suspend, or revoke any permit, approval, or business license issued for the use;
 - b. Withhold further permits or approvals for the property until the violation is corrected;
 - c. Draw upon the financial assurance required by Section 13.21.070 to complete decommissioning and site restoration;
 - d. Bring a civil action for injunctive relief, abatement, or any other remedy authorized by Utah Code Title 10, Chapter 20, or other applicable law; and
 - e. Recover its costs of enforcement, including reasonable attorney fees, to the extent authorized by law.
4. **Notice and Opportunity to Cure.** Before suspending or revoking a permit, approval, or business license under this section, the City shall give the owner or operator written notice of the violation and not less than thirty (30) days to cure, except where the

- violations presents an imminent threat to public health or safety.
5. **Remedies Cumulative.** The remedies in this section are cumulative and in addition to any other remedy available to the City by law.

SECTION 8: SEVERABILITY CLAUSE If any section, subsection, sentence, clause, or phrase of this Ordinance is held invalid or unconstitutional by a court of competent jurisdiction, that decision shall not affect the validity of the remaining portions. The City Council declares that it would have adopted this Ordinance, and each section, subsection, sentence, clause, and phrase, irrespective of the fact that any one or more be declared invalid.

SECTION 9: EFFECTIVE DATE This Ordinance shall take effect immediately upon adoption and publication or posting as required by law.

PASSED AND ADOPTED BY THE CITY OF MILFORD COUNCIL

	AYE	NAY	ABSENT	ABSTAIN
Russell Smith	_____	_____	_____	_____
Les Whitney	_____	_____	_____	_____
Scott Symond	_____	_____	_____	_____
Ian Spaulding	_____	_____	_____	_____
Tayson Willis	_____	_____	_____	_____

Presiding Officer

Attest

Nolan Davis, Mayor, City of Milford

Monica D. Seifers, City Recorder,
City of Milford

Conditional Use Permit
Permit No. 2026-01

Applicant: Heritage Plaza (Pete Brown)

Property Address: 418 South Main Street

Parcel: 0500090012

Zoning District: Main Street Commercial (MSC)

Purpose of Conditional Use: Hotel

Permit Conditions

General Use & Compliance

1. The hotel use shall comply with all applicable code requirements, including zoning, building, fire and health regulations.
2. The approved use is limited to a hotel. Any expansion or change in use shall require additional city review and approval.

Parking Lot

1. One parking spot shall be required for each room in the hotel and an additional 2 parking spaces for employees.
2. Parking lot shall be hard surfaced with either asphalt or concrete.
 - If applicant wants to deviate from surface requirements, a variance must be obtained.
3. Parking circulation should be maintained to ensure safe vehicle and pedestrian movement.
4. A sign shall be placed at the exit at 500 South that indicates right hand turn only to ensure safe traffic flow.
5. Parking should not obstruct public right-of-way, sidewalks or access points.
6. Bumper guards shall be in place for parking along the north side of parking lot where it abuts the neighboring building.
7. Parking stalls, including ADA stalls, shall be painted, striped, and always maintained in good condition.
8. Lighting shall be installed for safety and shielded downward.
9. Sidewalk and rolled curb shall be repaired/installed along 500 South to allow for cars to enter the parking spots along 500 South.

Drainage

1. Drainage for the parking lot should be designed to prevent standing water and to ensure storm water does not flow onto adjacent properties or over sidewalks.
2. Sidewalk and curb along 500 south shall be installed so water flows to the existing drain at the intersection of 500 South and Main Street.

Landscaping

1. Landscaping shall be installed in accordance with site plan and shall be maintained.

Conditional Use Permit
Permit # **2026-01**
Page 2

This conditional use permit shall expire by limitation and become null and void if the work authorized by such permit has not commenced within one hundred and eighty (180) days or is not complete within one (1) year from the date of issuance of this permit.

The Planning Commission on an annual basis will review all conditional use permits. Violation at any time, of any of the terms and/or conditions of this permit or conduct that adversely affects the health, welfare or safety of persons residing or working in Milford City, Utah, could result in the termination of this permit.

Approved this _____ day of _____, 20____.

Tayson Willis, Chairman
Milford City Planning & Zoning Commission

Applicant (signature)

Applicant (signature)

Applicant (printed name)

Applicant (printed name)

Attest:

Monica D. Seifers
Milford City Recorder

Conditional Use Permit No. 2026-01

AMENDMENT NO. 1

Purpose

This amendment addresses the timing of specified improvements under Conditional Use Permit No. 2026-01 and the applicant's request to operate the hotel while those improvements are pending. Approval is subject to the conditions below and all other required legal approvals.

Amended Conditions

1. Parking lot completion. The permanent asphalt or concrete parking lot, including required striping and related improvements, shall be completed no later than June 1, 2027.
2. Sidewalk, curb, and gutter completion. The required sidewalk, rolled curb, gutter, and associated drainage work along 500 South shall be completed no later than August 1, 2027.
3. Temporary hotel operations. Subject to approval of this amendment and satisfaction of all applicable building, fire, occupancy, accessibility, zoning, and safety requirements, hotel operations may commence before completion of the improvements identified in Conditions 1 and 2.
4. Operating agreement. Before beginning hotel operations, the applicant shall execute an Operating Agreement, identifying the deadlines and owner's continuing obligations.
5. Remaining conditions. All conditions of CUP No. 2026-01 remain in effect except as expressly modified by this amendment.
6. Enforcement and changes. Failure to comply with these amended conditions or the specified deadlines is subject to enforcement under applicable law and City Code; no automatic revocation or waiver of due process is created.

Planning and Zoning Commission Action

Approved / Denied (circle one) Date: _____

Tayson Willis, Chairman

Applicant / Authorized Representative

Attest: _____

Monica D. Seifers, Milford City Recorder



OPERATING AGREEMENT

Applicant: Heritage Plaza ~ Pete Brown

Business/Use Type: Hotel Parking Improvements

Property Owner: Heritage Plaza

Parcel Number(s): 0500090019, 0500090021, 0500090022, 0500090026

Zoning District: Main Street Commercial (MSC)

Purpose:

- A. The Planning and Zoning Commission approved Conditional Use Permit No. 2026-01 for hotel use at the Property, conditioned upon specified parking, sidewalk, curb, gutter, drainage and related improvements.
- B. Owner seeks approval to begin hotel operations prior to completing the following conditions that were set in Conditional Use Permit 2026-01.
 1. Parking Lot Hard Surface with either asphalt or concrete;
 - a. Painted and striped lines.
 2. Sidewalk and rolled curb along 500 South.
- C. The parties intend to defer deadlines only to the extent authorized by a duly approved amendment and applicable law; no permanent waiver of the required improvements is intended.

Agreement

- A. **Incorporated approvals.** CUP No. 2026-01 and any duly approved Amendment No. 1 are incorporated by reference. This Agreement does not grant a variance, building permit, or certificate of occupancy.
- B. **Permanent parking improvements.** Owner shall install asphalt or concrete parking improvements by **June 1, 2027**, complying with the approved site plan and all applicable requirements, including required spaces, striping, accessible stalls, drainage, and inspections.
- C. **Public frontage improvements.** Owner shall complete the required sidewalk, rolled curb and gutter work on 500 South by **August 1, 2027**, including drainage to the existing drain at 500 South and Main Street as provided in the CUP, in accordance with City-approved plans and inspections.
- D. **Preconditions to operations.** No hotel guest occupancy under this temporary agreement is authorized unless:
 - a. The Planning and Zoning Commission has approved the amendment to the original CUP;
 - b. All required occupancy, building, fire and licensing approvals are in place; and
 - c. This Agreement is fully executed and authorized.
- E. **Temporary gravel parking.** During any authorized temporary operating period, Owner shall keep the gravel area stable, usable and free of unsafe ruts, weeds, standing water and excessive dust; prevent obstruction of sidewalks, rights-of-way and access points; maintain safe maneuvering;

and provide all legally required accessible parking and routes. Owner shall promptly correct identified safety hazards. The City may require inspection and corrective measures in accordance with applicable law.

- F. **Other original CUP conditions.** Owner shall maintain required right-turn-only signage at the 500 South exit, north-side bumper guards, downward-shielded lighting, required parking capacity, applicable landscaping, and all other unchanged CUP conditions.
- G. **Default and remedies.** If Owner fails to meet an applicable requirement or deadline, the City may issue notices and pursue enforcement authorized by Milford City Code and Utah law, including CUP suspension or revocation where lawful and with applicable process.
- H. **No City financial obligation.** The City undertakes no obligation to finance, construct, or maintain Owner's required private improvements by reason of this Agreement.
- I. **Changes and assignment.** Any extension of the improvement deadline or modification of a material condition of the Conditional Use Permit must receive prior written approval from the appropriate Milford City authority in accordance with applicable law.
 - a. In the event of a sale or transfer of the property, the property owner shall disclose the Conditional Use Permit, this Agreement, and any outstanding improvement requirements to the new owner.
 - b. The parties intend for the applicable Conditional Use Permit conditions and outstanding improvement obligations to remain in effect following a transfer of ownership, to the extent permitted by law.

THIS AGREEMENT is between the City of Milford Planning and Zoning Commission and Pete Brown. This agreement becomes effective after approval by the Planning and Zoning Commission and execution by the parties.

Approved this ____ day of _____, 2026.

Tayson Willis, Chairman
Milford City Planning and Zoning Commission

Applicant (Signature)

Applicant (Printed Name)

Attest:

Monica Seifers
Milford City Recorder

13.26 Home Occupations

13.26.010 Purpose

13.26.020 Requirements And Conditions

13.26.030 Business License Required

13.26.040 Term And Renewal

13.26.050 Revocation

13.26.060 Appeals

13.26.070 Permitted Home Occupations

13.26.010 Purpose

This title is intended to provide for those uses customarily conducted entirely within a dwelling and carried on by its occupants. The use must be clearly incidental to the use of the dwelling and may not change the character thereof nor adversely affect the uses permitted in the district of which it is a part.

(Ord. Ordinance 10-2017 Home Occupations, Amended, 12/21/2017)

13.26.020 Requirements And Conditions

The requirements and conditions set forth in this section shall apply to any home occupation business allowed as a permitted use:

1. A home occupation shall be conducted entirely within the dwelling or accessory building and shall not occupy more than 600 square feet of the dwelling or 25% of the rear yard.
2. A home occupation shall be clearly a secondary use to the dwelling.
3. No one other than a resident of the dwelling and one other employee shall be employed in the conduct of a home occupation at any one time.
4. The operation of the home occupation shall not include any activity which unreasonably disturbs the peace and quiet of the neighborhood, including but not limited to, interference of radio, television, or other electronic reception by reason of design, materials, or construction; and shall not produce any noise, smoke, glare, light, fumes, or dust, that interferes with the residential use of adjacent properties.
5. Hazardous material must be stored in a confined and properly secured space to prevent injuries.
6. Home occupations shall not receive or generate more than a total of give (10) customers, visitors and/or deliveries per day.
7. Customers or clients must park either in the driveway of the dwelling or in front of the dwelling only.
8. The home occupation shall only generate traffic between the hours of 7:00 AM and 8:00 PM.
9. No open ground space shall be used for a home occupation or for storage of equipment, supplies or products, except the vehicle, and equipment, supplies or products stored within the vehicle, employed by the home occupation.
10. The home occupation shall not cause a demand for city services in excess of those usual and customary to the use of property for residential purposes.
11. Signs shall conform to Chapter 13.44

(Ord. Ordinance 10-2017 Home Occupations, Amended, 12/21/2017)

13.26.030 Business License Required

Application for a home occupation use permit shall be made to the City through the business license process. The City shall consent to issuance of a business license upon determining that the Planning Commission has approved the Home Occupation.

(Ord. Ordinance 10-2017 Home Occupations, Amended, 12/21/2017)

13.26.040 Term And Renewal

All business licenses for home occupations shall continue in existence and shall be renewed on a year-to-year basis unless the City denies renewal in accordance with the provisions of this title.

(Ord. Ordinance 10-2017 Home Occupations, Amended, 12/21/2017)

13.26.050 Revocation

When any home occupation results in an undesirable condition interfering with the general welfare of the surrounding community, the Planning Commission may initiate revocation of the business license.

(Ord. Ordinance 10-2017 Home Occupations, Amended, 12/21/2017)

13.26.060 Appeals

Any decision of the City may be appealed to the Board of Adjustment in the manner prescribed in 13.24.060.

(Ord. Ordinance 10-2017 Home Occupations, Amended, 12/21/2017)

13.26.070 Permitted Home Occupations

1. Handyman, contractor offices.
2. Janitorial, housekeeping, mobile business, and landscaping service offices.
3. Production of home crafts
4. Seamstress
5. Photographer
6. Event Planner
7. Designer
8. Printing business such as clothing and newspaper
9. Computer, internet sales and/or programming
10. One customer personal care service such as one chair beauty and barber shops.

(Ord. Ordinance 10-2017 Home Occupations, Amended, 12/21/2017)

MILFORD CITY ORDINANCE NO. 07-2026

AN ORDINANCE OF MILFORD CITY AMENDING TITLE 13, CHAPTER 26, HOME OCCUPATIONS, OF THE MILFORD CITY CODE TO ESTABLISH STANDARDS FOR LOW-IMPACT AND HIGHER-IMPACT HOME OCCUPATIONS.

RECITALS

WHEREAS, Milford City recognizes the importance of home-based businesses in providing economic opportunities for residents and supporting the local economy; and

WHEREAS, the City desires to encourage home-based businesses while preserving the residential character of neighborhoods and protecting neighboring properties from unreasonable impacts; and

WHEREAS, the City finds it necessary to establish clear standards distinguishing low-impact home occupations from higher-impact home occupations based on customer traffic, parking, deliveries, noise, outdoor activities, and other potential impacts; and

WHEREAS, the City desires to establish an administrative approval process for low-impact home occupations and a conditional use permit process for higher-impact home occupations; and

WHEREAS, the City recognizes the requirements of Utah Code Sections 10-1-203 and 10-20-506 regarding home-based business licensing and conditional uses, and intends to administer this ordinance in accordance with applicable state law; and

WHEREAS, the Milford City Council finds that updating the Home Occupation Ordinance will provide greater clarity and consistency for residents, business owners, and City officials while protecting the health, safety, and general welfare of the community.

13.26.010 Purpose

The purpose of this Chapter is to allow appropriate home-based businesses while preserving the residential character of neighborhoods and protecting neighboring properties from unreasonable impacts. This Chapter shall be administered together with the Milford City Business License Ordinance and applicable state and federal law.

13.26.020 Definitions

Home Occupation. A business conducted by a resident from a dwelling or residential property that is incidental and secondary to the residential use of the property.

Low-Impact Home Occupation. A home occupation whose combined off-site impact, together with the primary residential use, does not materially exceed the off-site impact of the primary residential use alone and that meets the standards of Section 13.26.040.

Higher-Impact Home Occupation. A home occupation that exceeds one or more of the low-impact standards in Section 13.26.040 or otherwise creates off-site impacts that materially exceed those normally associated with the primary residential use.

Off-Site Impact. Effects of a home occupation beyond the residential property, including business-related traffic, parking, vibration, odor, glare, dust, deliveries and similar measurable effects.

13.26.030 General Home Occupation Requirements

- 1. Home Occupation(s) Per Property.** No more than one (1) low-impact home occupation and one (1) higher-impact occupation may be operated from a residential property at one time, except as otherwise required by state or federal law. When both a low-impact and higher-impact home occupation operate from the same property, their combined impacts shall be considered in determining compliance with this Chapter.
- 2. Remote Employment.** Employment performed remotely from a residence for an employer located elsewhere is not a home occupation when no customers, clients, nonresident employees, business storage, signage, or other business activity occurs at the residence beyond ordinary remote work.
- 3. Residential Use.** The property shall remain primarily residential, and the home occupation shall be incidental and secondary to that use.
- 4. Hazardous Materials.** Hazardous or flammable materials associated with a home occupation shall be stored and handled in compliance with applicable building, fire, health, and safety regulations. Such materials shall not be stored in a manner that creates a hazard to neighboring properties or the public.
- 5. Signs.** All signage associated with the home occupation shall comply with Milford City Code Chapter 13.44.
- 6. City Services.** A home occupation shall not create demands on utilities, streets, or other municipal services materially exceeding those normally associated with residential use.
- 7. In-Home Daycare.** In-home daycare uses regulated under Milford City Code Chapter 13.27 shall be governed by the specific requirements of that Chapter and applicable state law. Where the provisions of this Chapter and Chapter 13.27 conflict, the more specific applicable provisions of Chapter 13.27 shall control, except where otherwise required by state or federal law.
- 8. Other Requirements.** A home occupation shall comply with all applicable zoning, building, fire, health, safety, professional licensing, and other lawful requirements.

13.26.040 Low-Impact Home Occupations

A low-impact home occupation is a permitted use and shall be approved administratively by the Zoning Administrator upon submission of a Home Occupation Impact Assessment/Application. The purpose of this review is to verify compliance with this Chapter and document the business activity. No application fee, review fee, public hearing or Planning and Zoning Commission approval shall be required.

If the proposed business exceeds the low-impact standards, the applicant shall be directed to the Higher-Impact Home Occupation Conditional Use Permit Process under Section 13.26.050.

A low-impact home occupation is not required to obtain a Milford City business license and shall not be charged any City fee for the right to operate the home-based business, except that the City may charge an administrative fee for a voluntary business license as authorized by Utah Code Section 10-1-203. The City shall provide the fee-exemption notice required by state law.

The Zoning Administrator shall review the proposed home occupation based upon the standards of this Chapter, including:

- 1. Employees.** No more than one non-resident employee, contractor, or other person working for the business may be present at the property at one time.
- 2. Customer Traffic and Parking.** Business-related customer traffic may not exceed three vehicle arrivals in any one-hour period or eight vehicle arrivals in any one day. Parking shall be accommodated on the property when possible. On-street parking is permitted where legally allowed, provided it does not obstruct traffic or neighboring driveways. No more than two customer

or client vehicles may be present at one time. When two home occupations operate on the same property, they must share the traffic and parking limits.

- 3. Deliveries.** Business-related deliveries or pickups may not exceed two per day, excluding ordinary residential mail and package deliveries comparable to those normally received by a residence.
- 4. Hours of Operation.** Low-impact home occupations may conduct indoor business activities at any time, provided they comply with applicable noise and nuisance regulations. Business-related customer visits, deliveries, and outdoor activities shall occur between 7:00 a.m. and 8:00 p.m. Ordinary residential deliveries are exempt from this restriction.
- 5. Outdoor Activity and Storage.** There shall be no regular outdoor business activity visible or audible from neighboring property and no outdoor storage of inventory, materials, supplies, equipment, or waste that materially changes the residential character of the property.
- 6. Noise and Other Effects.** The business shall not create noise, vibration, smoke, dust, odor, glare, lighting, or similar effects beyond the property line that exceed those normally associated with residential use.
- 7. Vehicles, Equipment, and Residential Character.** Business-related vehicles, trailers, machinery, equipment, and other activity shall not materially exceed what would normally be expected at a residential property or materially alter the residential appearance or character of the property or surrounding neighborhood.

13.26.050 Higher-Impact Home Occupations

A home occupation that exceeds one or more standards in Section 13.26.040 shall be classified as a higher-impact home occupation. A higher-impact home occupation is a conditional use and requires approval from the Planning and Zoning Commission through a Home Occupation Conditional Use Permit before the higher-impact business activity begins.

The Planning and Zoning Commission shall review the proposed home occupation based upon the standards of this Chapter, including:

- 1. Hours of Operation.** The proposed hours of operation and whether they are compatible with normal residential activity.
- 2. Traffic and Parking.** The number, frequency, timing, and location of business-related vehicle trips and parking.
- 3. Deliveries.** The frequency, timing, type, and size of business-related deliveries or pickups.
- 4. Outdoor Activity and Storage.** The visibility, location, frequency, and effect of outdoor activity, materials, equipment, or storage.
- 5. Noise and Other Effects.** Noise, vibration, smoke, dust, odor, glare, lighting, or similar effects on neighboring properties.
- 6. Vehicles, Equipment, and Residential Character.** The number, type, location, and use of business-related vehicles or equipment and whether the use materially alters the residential character of the property.

The Planning and Zoning Commission shall approve the conditional use if reasonable conditions are proposed or can be imposed to mitigate reasonably anticipated detrimental effects in accordance with applicable objective ordinance standards. Mitigation does not require elimination of every effect. Conditions shall be stated on the record and reasonably relate to mitigating identified detrimental effects. If those effects cannot be substantially mitigated by the proposal or reasonable conditions, the Commission may deny the application consistent with Utah State Code Section 10-20-506.

The Commission shall document the applicable standards, material findings, decisions and conditions in a written Home Occupation Conditional Use Permit or denial. Conditions may address operating hours,

customer and delivery traffic, parking, outdoor activities, equipment location and other effects identified under this chapter.

A material change in the operation of the home occupation that is inconsistent with the approved Home Occupation Conditional Use Permit or its conditions of approval shall require additional review and approval as required by this Chapter.

A higher-impact home occupation shall obtain and maintain a Milford City business license.

13.26.060 Prohibited Home Occupation Uses

The following uses are prohibited as home occupations:

1. Auto body repair or painting;
2. Vehicle dismantling and outdoor salvage operations;
3. Junkyards, recycling yards, or commercial storage yards;
4. Commercial welding or machine shop operations conducted on the residential property;
5. Commercial animal boarding;
6. Sexually oriented businesses; and

13.26.070 State-Protected Uses

A home-based use that state or federal law requires the City to allow shall be permitted and regulated in accordance with the applicable law. If a provision of this Chapter conflicts with a specific state or federal requirement, the state or federal requirement controls.

Home-based microschools and micro-education entities shall be treated as permitted uses as required by Utah Code Section 10-20-304 and may be regulated only to the extent authorized by applicable law. These uses shall not require a home occupation conditional use permit solely because operations exceed low-impact standards established by this Chapter.

13.26.080 Changes, Enforcement, and Appeals

1. **Changes in Operation.** The owner shall notify the City when the nature or operation of a home occupation materially changes in a manner that may affect its classification or compliance with this Chapter.
2. **Reevaluation.** The City may reevaluate a home occupation when the business materially changes its operations, the City receives a credible complaint indicating a potential violation, or an authorized City official observes conditions reasonably indicating noncompliance.
3. **Replacement of a Home Occupation.** Approval of a home occupation does not authorize more than one home occupation within the same classification on the property. A person replacing an existing home occupation with a different business shall submit a new application and obtain the approval required under this Chapter before beginning the new business activity.
4. **Enforcement.** A home occupation operated in violation of this Chapter may be subject to enforcement as provided by Milford City Code. Before requiring discontinuance, the City shall provide written notice identifying the applicable ordinance provision, the facts constituting the alleged violation, required corrective action, and a reasonable time to comply, unless immediate action is otherwise authorized by law due to a threat to public health or safety.
5. **Appeals.** A decision of the Zoning Administrator or Planning and Zoning Commission under this Chapter may be appealed in accordance with the City's applicable land use appeal procedures.
6. **Change of Operator or Location.** A conditional use permit is limited to the approved operations and property. A proposed change of operator, relocation, or material change in approved operations

shall be reviewed to determine whether new or amended approval is required under applicable City ordinances and Utah Law.

7. Existing Home Occupations. Home occupations that were legally operating or approved before this ordinance takes effect may continue operating under their existing approvals and conditions. These businesses will not be required to submit a new application unless there is a material change in the type of business or how it operates. All home occupations must continue to comply with applicable City ordinances, and the City may take enforcement action when violations occur.