

Mapleton City Planning Commission Staff Report

Meeting Date: October 23, 2008

Item #: 4

Applicant: Mapleton City

Prepared by: Cory Branch

REQUEST:

Mapleton City requests to amend Title 18, Development Code, Part III, Zoning, Chapter 18.84, Supplementary Regulations, regarding storage of trash, abandoned, wrecked, or junked vehicles, and blocking or impeding public streets, sidewalks, and park strips.

FINDINGS OF FACT:

1. On October 9, 2008 the Planning Commission continued the subject item with the condition that Staff make additional changes to the proposed text.
2. Attachment 1 includes the proposed text with the changes requested by the Planning Commission.

STAFF RECOMMENDATION:

Staff recommends approval of the proposed text.

ATTACHMENT:

1. Proposed text

NOW, THEREFORE, BE IT ORDAINED BY THE MAPLETON CITY PLANNING COMMISSION THAT CHAPTER 18 OF THE MAPLETON CITY CODE SHALL BE AMENDED AND MODIFIED AS FOLLOWS:

18.84.080: STORAGE OF TRASH, ABANDONED, WRECKED, OR JUNKED VEHICLES; IMPEDING STREET; MISCELLANEOUS MATERIALS

- (1) As used in this section “inoperable vehicle” means:
 - (a) a vehicle that is not currently registered and insured in accordance with state law;
 - (b) a vehicle of any kind or a readily identifiable part of vehicle of any kind that is in a condition that appears wrecked, junked, partially dismantled, inoperative, or abandoned; and
 - (c) for the purpose of this section inoperable vehicle does not include agricultural equipment.
- (2) Except as provide under Subsection (3), a person may not park, store, leave or permit the parking, storing, or leaving of an inoperable vehicle, whether attended or not, upon any private or public property within the city limits of Mapleton City in excess of 72 hours.
- (3) The provisions of Subsection (2) do not apply if:
 - (a) the vehicle or part is not visible from the street or sidewalk;
 - (b) the vehicle or part is stored within a building or behind an opaque screening or hedge; and
 - (c) not more than the visual equivalent of two vehicles or parts are stored on the property;
 - (d) the vehicle is for sale by the resident of the home and only one (1) vehicle may be allowed in association with the sale and the sale shall not be allowed more than a total of ninety (90) days in any calendar year.
- (4) A violation of the provisions of Subsection (2) is a nuisance, detrimental to the health, safety, and welfare of Mapleton City residents.
- (5)
 - (a) A person may not store trash, used materials, junk, household furniture, appliances, scrap material, equipment or equipment parts in an open area visible from the street or visible to neighbors in an abutting lot.
 - (b) The accumulation of more than one item under Subsection (5)(a) constitutes a junkyard and must be removed from the property or stored within an enclosed building.
- (6) A person may not store commercial goods or materials on private property unless it is permitted by the underlying zone.
- (7) A trash storage container with a two cubic yard capacity and larger shall be maintained in a permanent location approved by the planning commission in conjunction with approval of a project plan under the following requirements:
 - (a) A trash storage container shall:
 - (i) be screened with durable materials architecturally compatible with the principal structure or perimeter fence/wall treatment located on the lot served; and
 - (ii) not be visible from the street or to neighbors in an abutting lot.

- (b) A trash storage container located on a lot used for nonresidential purposes, and which abuts a residential zone, shall meet the setback, screening, and landscaping requirements of the underlying zone.
- (8) The requirement of Subsection (7) shall be applied according to the following considerations listed in order of importance:
- (a) ease of access by trash removal vehicles;
 - (b) setback and screening of trash storage containers to:
 - (i) minimize any potential odor nuisance; and
 - (ii) obscure the view from any abutting lot or street; and
 - (c) ease of access by users of trash storage containers.
- (9) The provisions of Subsection (7) and (8) do not apply to ninety gallon or less trash storage containers provided by Mapleton City for residential use.
- (10) (a) A person may not block or impede a public street, sidewalk or park strip, except for legally parking a vehicle or temporarily placing a trash container on the shoulder of the public street for trash pickup as directed by the city.
- (b) The prohibitions under Subsection (10)(a) include the placement of storage containers, basketball stands, ramps, or any other object, onto a public street, sidewalk, or park strip.
- (c) Except as provided under Subsection (10)(d), a person may not place a mailbox or a related structure on a sidewalk or public street.
- (d) A mailbox and its related structure may be placed on a sidewalk if:
- (i) no park strip exists; and
 - (ii) the sidewalk is widened around the mailbox and its related structure, if necessary, to maintain a clear width of walking surfaces:
 - (a) of at least 36 inches; or
 - (b) in compliance with the Americans with Disabilities Act (ADA) at the time of the installation of the mailbox or its related structure; and
 - (iii) the mailbox or its related structure do not present a hazard for pedestrians using the sidewalk.
- (11) (a) A person may not maintain or store on any property within Mapleton City:
- (i) injurious or noxious weeds;
 - (ii) garbage;
 - (iii) refuse; or
 - (iv) unsightly or deleterious objects or structures.
- (12) A person who violates any of the provisions of this section is guilty of a class B misdemeanor.