

City Council Staff Report

Date:

December 6, 2023

Applicant:

Mapleton City

Location:

City-wide

Prepared By:

David Stuenzi Jr.
Planner

Public Hearing:

Yes

Attachments:

1. Draft Ordinance.
2. PC Minutes.

REQUEST

Consideration of an ordinance adopting Mapleton City Code section 18.84.435 regarding standards for food trucks.

BACKGROUND & DESCRIPTION

As the City continues to grow, a heightened demand for an expanded range of dining options within the City is expected. Food trucks have emerged as a popular dining option as an alternative to the traditional sit-down restaurant. The City does not currently have any regulations that specifically address food trucks. Recent amendments to Utah Code provide a number of limitations to how cities can regulate food trucks. Cities cannot:

- Prohibit food trucks in zones that allow restaurants;
- Require a business license if a food truck has obtained a business license in another jurisdiction;
- Limit the size of the food truck; and
- Limit the total number of days or times a food truck can operate within the City.

Staff is proposing an ordinance that outlines the requirements for operating a food truck in Mapleton in accordance with state code limitations. Below is a summary of the main components of the ordinance (see exhibit "A" for draft ordinance).

On Private Property:

1. Food Trucks may operate on private property in commercial and industrial zones with prior consent from the property owner.
2. Food trucks may not operate on the same property for more than four (4) days per calendar week. This is intended to ensure that the business remains transitory and not permanent.
3. If the private property owner proposes to have the food truck for more than four (4) calendar days a week, a project plan application shall be filled out with the community development department. This is intended to ensure that if a business intends to be permanent, that it meet the same commercial standards that other commercial businesses must follow.
4. Food trucks may operate on private property in residential zones at the request of the property owner for private events for no more than (2) consecutive days per calendar week. This is intended to allow a property owner to have a food truck for things like a wedding reception, family or neighborhood party or other similar occasion.

In the public Right-of-way:

1. Food trucks may operate in the public right-of-way in commercial and industrial zones.
2. Food trucks may not operate on any right-of-way owned by UDOT unless part of a City sponsored event.
3. Food Trucks may not be parked overnight.
4. Food Trucks shall not operate for more than 12 hours within a 24 hour period at any one location and must be removed from the public right-of-way at the end of each business day.

The adoption of an ordinance is considered a legislative action. The City Council generally has broad discretion when acting on legislative matters, provided it can be reasonably debated that the action taken will promote or protect the general welfare of the community.

RECOMMENDATION

Approve the attached ordinance.

ORDINANCE NO. 2023-

**AN ORDINANCE ADOPTING AN AMENDMENT TO MAPLETON CITY CODE TITLE 18.84.435
REGARDING REGULATIONS ON MOBILE FOOD TRUCKS**

WHEREAS, Mapleton City Code (MCC) title 18 is the City’s zoning ordinance; and

WHEREAS, the proposed amendments to title 18 are intended to ensure that Mapleton City Code is consistent with state code requirements and to follow current best practices for food trucks; and

WHEREAS, the Planning Commission recommended approval of the proposed amendments on October 26, 2023.

NOW THEREFORE, BE IT RESOLVED by the City Council of Mapleton, Utah, to adopt Mapleton City Code Section 18.84.435 as described in Exhibit “A.”

PASSED AND ORDERED PUBLISHED BY THE CITY COUNCIL OF MAPLETON, UTAH,

This 6th Day of December, 2023.

Dallas Hakes
Mayor

ATTEST:

Camille Brown
City Recorder
Publication Date:
Effective Date:

Exhibit “A”

MCC Section 18.84.435 – Mobile Food Trucks

- A. Purpose and Objectives: The purpose of this section is to provide clear and concise regulations for the use and operation of mobile food trucks in Mapleton City in accordance with Utah Code Section 11-56. These regulations are established to prevent hazards to safety, traffic, or health, as well as to preserve the peace, safety, and welfare of the community. Moreover, this ordinance recognizes that mobile food truck businesses are meant to be temporary in nature.
- B. Definitions: Refer to Utah Code Section 11-56-102
- C. Business License required: No person or entity shall operate a mobile food truck business within Mapleton City without first obtaining and holding a current business license from the City, unless one of more of the following exceptions apply:
 - 1. The mobile food truck operator has a valid business license and fire safety approval from another political subdivision in Utah and has a current health department permit. Evidence of compliance with this exception shall be provided to the City upon request.
 - 2. The mobile food truck is being operated within the City as part of an approved special event permit or City sponsored event.
- D. Operating on private property in commercial or industrial zones: Mobile food trucks may operate on private property in any commercial or industrial zone with the following conditions:
 - 1. The mobile food truck operator must have authorization from the land owner.
 - 2. Mobile food trucks may not operate on the same property for more than four (4) days per calendar week. When not in operation, the mobile food truck shall be removed from the property or stored within a completely enclosed structure on the property.
 - 3. If a private property owner proposes to have a food truck on site for more than four (4) days per calendar week, a project plan application shall be filed with the community development department and approved by the planning commission. All site, parking, lighting and landscaping requirements identified in section 18.92 of this code shall apply.
- E. Operating on private property in residential zones: Mobile food trucks may operate on private property in any residential zone with the following conditions:
 - 1. The mobile food truck is serving a private event at the request of the private property owner.
 - 2. The mobile food truck shall not operate on the same property for more than two (2) consecutive days per calendar week.

F. Operating within the Public Right-of-Way: Mobile food trucks may operate within the public rights-of-way of the City with the following conditions:

1. The right-of-way shall be located within the commercial or industrial zones only except as provided for in subsection "G".
2. Mobile food trucks shall not operate within the right-of-way of any highway owned by the Utah Department of Transportation unless part of a City sponsored event or special event permit.
3. Mobile food trucks may only operate where sidewalk improvements exist and when the serving area is facing the sidewalk and the food truck is not located within the travel lane.
4. Mobile food trucks shall not block driveways, ADA ramps, and shall not park on the park strip.
5. Mobile food trucks shall not operate for more than twelve (12) hours within a twenty-four (24) hour period at any one (1) location, and must be removed from the public right-of-way location upon close of business each day.
6. No mobile food truck may be parked in the public right-of-way overnight.

G. City Facilities: A mobile food truck shall not operate on City-owned property or in the public right-of-way adjacent to City-owned property unless:

1. The mobile food truck has been invited as part of a City sponsored event; or
2. The mobile food truck is operating as part of a special event permit that has been approved by the Parks and Recreation Director.

H. Drive-Thru: Mobile food trucks shall not operate as a vehicle drive-thru.

I. Signage: All signage shall conform to the sign provisions of chapter 18.86 of this code.

J. Noise: All food trucks shall adhere to the Disturbing the Peace regulations outlined in Section 9.12.040 of this code.

K. Accessory Structures: All temporary structures adjacent to the food truck shall conform to the accessory structure provisions set forth in 18.26.020 of this code and are subject the following conditions:

1. Accessory structures are not allowed within the public right-of-way unless part of a City sponsored event or special event permit.
2. Any accessory structure that is two hundred (200) square feet in size or larger shall require a building permit application approval prior to installation or placement.
3. Accessory structures shall be removed when a mobile business vacates a site.

MAPLETON
U T A H
PLANNING COMMISSION MINUTES
October 26, 2023

PRESIDING AND CONDUCTING: Sharee Killpack

Commissioners in Attendance: Jake Lake
Rich Lewis
Jesse McLean – arrived for Item 3
Lewis Nuttall
TJ Uriona

Staff in Attendance: Sean Conroy, Community Development Director
David Stuenzi, Planner

Minutes Transcribed by: April Houser, Executive Secretary

Chairman Killpack called the meeting to order at 6:00pm. A prayer and Pledge of Allegiance was given.

Item 1. Planning Commission Meeting Minutes – September 14, 2023.

Motion: Commissioner Lake moved to approve the September 14, 2023, Planning Commission Meeting Minutes.

Second: Commissioner Nuttall

Vote: Unanimous

Item 2. Consideration of an ordinance amending Mapleton City Code (MCC) Section 18.92 regarding setback requirements for drive-thru establishments and commercial design standards.

Sean Conroy, Community Development Director, went over the Staff Report for those in attendance. There have been some commercial inquiries about a few different options and locations of businesses wanting to come to Mapleton. The current setbacks tend to be more restrictive than necessary. The staff is proposing to allow for a greater setback for commercial projects, potential exceptions to the building size requirements, and to eliminate the minimum height requirement for corner buildings. **Commissioner Uriona** wondered why the current height minimum was 24'.

Chairman Killpack opened the Public Hearing. No comments were made, and the Public Hearing was closed.

Motion: Commissioner Lewis moved to recommend approval to the City Council of an

Planning Commission Minutes – October 26, 2023

ordinance amending Mapleton City Code (MCC) Section 18.92 regarding setback requirements for drive-thru establishments and commercial design standards.

Second: Commissioner Nuttall

Vote: Unanimous

Item 3. **Consideration of an ordinance amending Mapleton City Code (MCC) Section 18.84.435 regarding standards for food trucks.**

David Stuenzi, Planner, went over the Staff Report for those in attendance. The city does not currently have any ordinance in place to regulate food trucks. With the recommended changes, food trucks would be able to operate on private property in commercial zones, with the owner's consent. They would not be able to operate on the same property for more than four (4) days per calendar week. The last would require a Project Plan approval if the food truck wants to operate more than the four (4) allowed days per calendar week. The city wants to make sure that there is a clear layout of what the city code is before future food trucks do business in Mapleton. **Commissioner Lewis** asked if this ordinance would address businesses who operate out of small tuff shed type units. Those types of buildings would not fall under this code and would be required to get Project Plan approval. As proposed the food trucks would not be allowed to operate in a residential zone. The Commission felt allowing single day uses in residential zones should be considered. **Commissioner Uriona** stated that there could be two different ordinances for food trucks that address commercial and residential uses individually. Staff mentioned the Commission could recommend continuing the item for more discussion or moving it on to the City Council with the recommended additions regarding residential uses. Food trucks would not be able to operate on city property without prior consent.

Chairman Killpack opened the Public Hearing. No comments were made, and the Public Hearing was closed.

Motion: Commissioner Nuttall moved to recommend approval to the City Council of an ordinance amending Mapleton City Code (MCC) Section 18.84.435 regarding standards for food trucks with the exceptions mentioned in the Planning Commission discussion above.

Second: Commissioner Lake

Vote: Unanimous

Item 4. Adjourn.

April Houser, Executive Secretary

Date