

## ORDINANCE NO. 04-01-2020

**AN ORDINANCE AMENDING SANTAQUIN CITY CODE REGARDING CAR WASH SERVICES PROVIDING FOR CODIFICATION, CORRECTION OF SCRIVENER'S ERRORS, SEVERABILITY, AND AN EFFECTIVE DATE FOR THE ORDINANCE.**

**WHEREAS**, the City of Santaquin is a fourth class city of the state of Utah; and

**WHEREAS**, the City Council has specific authority pursuant to Title 10, Chapter 9a Utah Code Ann. (1953 as amended) to adopt a zoning plan including an ordinance and map which divide the municipality into districts or zones and within such districts to regulate the erection, construction, reconstruction, alteration, repair and uses of buildings and structures and the uses of land; and

**WHEREAS**, the state legislature has granted general welfare power to the City Council, independent, apart from, and in addition to, its specific grants of legislative authority, which enables the city to pass ordinances which are reasonably and appropriately related to the objectives of that power, i.e. providing for the public safety, health, morals, and welfare; and

**WHEREAS**, the City Council desires to amend Santaquin City Code Title 10 Chapter 2 Section 2 to create a definition for car wash service and allow a car wash service to be an accessory use to minor automotive service repair establishments and major automotive service repair establishments, Santaquin City Code Title 10 Chapter 14 Section 6 to allow a business to receive a conditional use permit for special queuing circumstances, and Santaquin City Code Title 10 Chapter 7 Section F3 to allow a car wash service as a permitted use in the Interchange Commercial (C-1) Zone; and

**WHEREAS**, the Santaquin City Planning Commission held a public hearing on March 24, 2020, which hearing was preceded by the posting of public notice in at least three public places within the City limits of Santaquin City, and which notice of public hearing was published in a newspaper in accordance with Section 10-9a-205 of the Utah State Code; and

**WHEREAS**, after the noted public hearing, the Santaquin City Planning Commission forwarded a recommendation to the City Council;

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of Santaquin City, State of Utah, as follows:

### **Section I. Amendments**

**Title 10 Chapter 2 Section 2 is amended as follows:** (underlined text is added, stricken text is deleted)

#### **10-2-2: TERMS DEFINED:**

AUTOMOTIVE SERVICE AND REPAIR, MAJOR: An establishment primarily engaged in the repair or maintenance of motor vehicles, trailers, and similar large mechanical equipment, including paint, body and fender and engine and engine parts, provided, it is conducted within a completely enclosed building. Accessory activities may include a car wash service that complies with the provisions of Section 10-14-6 or obtains a conditional use permit thereunder.

AUTOMOTIVE SERVICE AND REPAIR, MINOR: An establishment primarily engaged in the repair or maintenance of motor vehicles, trailers, and similar mechanical equipment, including brake,

muffler, tire repair and change, lubrication, tune ups, safety inspections and emission testing, detailing shops, overhaul or transmission work, but does not include an establishment that qualifies as a major automotive service and repair facility, and provided it is conducted within a completely enclosed building. Accessory activities may include a car wash service that complies with the provisions of Section 10-14-6 or obtains a conditional use permit thereunder.

**AUTOMOTIVE SERVICE STATION:** An establishment whose primary purpose is the selling of gasoline and/or other vehicle fuels; oil and lubricant services. Accessory activities may include minor automotive repair and maintenance, car wash service and food sales.

CAR WASH SERVICE: An establishment engaged in cleaning the exterior and, in some cases, the interior of motor vehicles. Car washes can be self-serve, fully automated, or full-service with attendants who wash the vehicle.

**Title 10 Chapter 14 Section 6 is amended as follows:** (underlined text is added, stricken text is deleted)

**10-14-6: CIRCULATION WITHIN A PARKING AREA:**

**B. Queuing Lanes For Drive-Up Or Drive-Through Businesses:**

1. Queuing lanes shall have a minimum width of ten feet (10').
2. Queuing lanes shall provide a minimum queuing distance for three (3) vehicles in addition to a vehicle at the drive-up window (i.e., 80 feet).
3. Queuing lanes are to be independent of circulation aisles and not interfere with required backing distances for parking stalls.
4. Turning radii within or at exits from queuing lanes shall not be less than ten feet (10').
5. Queuing lanes should be designed so that cars queue ~~toward~~ facing or along the rear of the associated building and vehicles can exit the queuing lane onto an approved development drive aisle or public street.
6. Queuing lanes are prohibited between the building and the front property lines.

7. A business may apply for a conditional use permit to queue contrary to the provisions of section 10-14-6. Each such application shall establish that queuing; does not conflict with the use of required parking stalls, Fire Code, Building Code; does not and will not result in queuing on any public street; and that it does not and will not interfere with any public rights-of-way.

**C. Queuing Areas For Automotive Service Bays:**

1. Adequate clear areas shall be provided at entry and exit points for the safe and unobstructed movements of vehicles for which the service bay has been designed to facilitate.
2. Parking stalls shall not be located within areas necessary to facilitate the movement of vehicles entering or exiting service bays.

**Title 10 Chapter 7 Section F3 is amended as follows:** (underlined text is added, stricken text is deleted)

**10-7F-3: PERMITTED USES:**

General land uses within commercial zones shall complement the city's general plan for their respective areas. Those uses allowed in the city's commercial zones are listed in the following matrix. Abbreviations and alphabetic use designations in the matrix have the following meanings:

P	The listed use is a permitted use within the represented area, based on city development standards and ordinances.
C	The listed use requires a conditional use permit within the represented area in addition to complying with all applicable development standards and ordinances.
A	The listed use is only permitted as an accessory use within the represented area.
N	The listed use is a prohibited use within the represented area.

Use	C-1	PO
<u>Car Wash Service</u>	<u>C</u>	<u>N</u>

**Section II. Severability**

If any part of this ordinance or the application thereof to any person or circumstances shall, for any reason, be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance or the application thereof to other persons and circumstances, but shall be confined to its operation to the section, subdivision, sentence or part of the section and the persons and circumstances directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the City Council that this section would have been adopted if such invalid section, provisions, subdivision, sentence or part of a section or application had not been included.

**Section III. Contrary Provisions Repealed**

Any and all other provisions of the Santaquin City Code that are contrary to the provisions of this Ordinance are hereby repealed.

**Section IV. Codification, Inclusion in the Code, and Scrivener's Errors**

It is the intent of the City Council that the provisions of this ordinance be made part of the Santaquin City Code as adopted, that sections of this ordinance may be re-numbered or re-lettered, and that the word ordinance may be changed to section, chapter, or other such appropriate word or phrase in order to accomplish such intent regardless of whether such inclusion in a code is accomplished. Typographical errors which do not affect the intent of this ordinance may be authorized by the City without need of public hearing by its filing a corrected or re-codified copy of the same with the City Recorder.

**Section V. Posting and Effective Date**

This ordinance shall become effective at 5:00 p.m. on Wednesday, April 8, 2020. Prior to that time, the City Recorder shall deposit a copy of this ordinance in the official records of the City and place a copy of this ordinance in three places within the City.

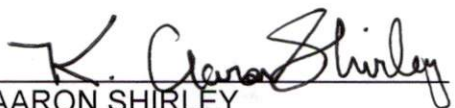
PASSED AND ADOPTED this 7<sup>th</sup> day of April 2020.

STATE OF UTAH                    )  
  ) ss.  
COUNTY OF UTAH                )

I, K. AARON SHIRLEY, City Recorder of Santaquin City, Utah, do hereby certify and declare that the above and foregoing is a true, full, and correct copy of an ordinance passed by the City Council of Santaquin City, Utah, on the 7<sup>th</sup> day of April, 2020, entitled

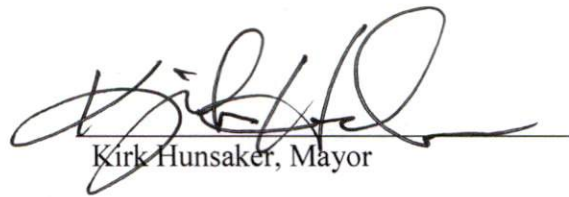
**“AN ORDINANCE AMENDING SANTAQUIN CITY CODE REGARDING CAR WASH SERVICES PROVIDING FOR CODIFICATION, CORRECTION OF SCRIVENER’S ERRORS, SEVERABILITY, AND AN EFFECTIVE DATE FOR THE ORDINANCE.”**

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of Santaquin City Utah this 7<sup>th</sup> day of April, 2020.

  
K. AARON SHIRLEY  
Santaquin City Recorder

(SEAL)

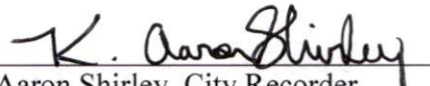




Kirk Hunsaker, Mayor

Councilmember Elizabeth Montoya	Voted <u>yes</u>
Councilmember Lynn Mecham	Voted <u>yes</u>
Councilmember Jennifer Bowman	Voted <u>yes</u>
Councilmember Nick Miller	Voted <u>yes</u>
Councilmember David Hathaway	Voted <u>yes</u>

ATTEST:



K. Aaron Shirley, City Recorder

AFFIDAVIT OF POSTING

STATE OF UTAH                    )  
  ) ss.  
COUNTY OF UTAH                )

I, K. AARON SHIRLEY, City Recorder of Santaquin City, Utah, do hereby certify and declare that I posted in three (3) public places the ordinance, which is attached hereto on the 7<sup>th</sup> day of April, 2020.

The three places are as follows:

- 1.     Zions Bank
- 2.     Post Office
- 3.     City Office

I further certify that copies of the ordinance so posted were true and correct copies of said ordinance.

  
\_\_\_\_\_  
K. AARON SHIRLEY  
Santaquin City Recorder

The foregoing instrument was acknowledged before me this 7 day of April, 2020 by K. AARON SHIRLEY.

  
\_\_\_\_\_  
Notary Public

