

## ORDINANCE NO. 08-02-2022

**AN ORDINANCE AMENDING SANTAQUIN CITY CODE TO MODIFY THE LAND USE DEFINITIONS RELATED TO AUTOMOTIVE SERVICES AND TO PERMIT “AUTOMOTIVE REPAIR AND SERVICES” AND “AUTOMOTIVE CAR WASH SERVICE” IN THE MAIN STREET COMMERCIAL DISTRICT OF THE MAIN STREET BUSINESS DISTRICTS ZONE, 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, providing for the public safety, health, morals, and welfare; and

**WHEREAS**, the City Council desires to amend Santaquin City Code Title 10 Chapter 08 Section 020 and Title 10 Chapter 20 Section 190 to modify land use definitions related to automotive services and to permit “Automotive Repair and Services” and “Automotive Car Wash Service” in the Main Street Commercial District of the Main Street Business Districts Zone; and

**WHEREAS**, the Santaquin City Planning Commission held a public hearing on July 26, 2022, which hearing was preceded by the posting of public notice in at least three public places within the City limits of Santaquin City; 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 08 Section 020 is amended as follows:** (underlined text is added, stricken text is deleted)

AUTOMOTIVE 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.

AUTO, TRUCK, RECREATIONAL VEHICLE, AND EQUIPMENT SALES OR RENTAL: Sales or rental of either new or used motor vehicles and equipment from indoor or outdoor areas, but not to include non-serviceable or junk vehicles or equipment.

AUTO, TRUCK, RECREATIONAL VEHICLE, AND EQUIPMENT STORAGE: Temporary outside storage of either new or used motor vehicles and/or equipment awaiting distribution. Such storage does not include an impound lot.

AUTOMOTIVE SERVICE AND REPAIR, ~~MAJOR~~: An establishment primarily engaged in the repair or maintenance of motor vehicles, trailers, and similar large mechanical equipment, including but not limited to brake, muffler, tire repair and change, lubrication, tune ups, safety inspections and emission testing, detailing shops, paint, body and fender and engine and engine parts, provided, it is conducted within a ~~completely enclosed~~ building or behind a sight obscuring fence. Accessory activities may include a car wash service ~~that complies with the provisions of SCC 10.48.060 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 SCC 10.48.060 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 20 Section 190 is amended as follows:** (underlined text is added, stricken text is deleted)

**10.20.190 MAIN STREET BUSINESS DISTRICTS ZONE**

B. Permitted Uses: General land uses within the Main Street Business Districts shall complement the Main Street overlay map found in the economic element of the City's General Plan.

Abbreviations and alphabetic use designations in the matrix and throughout this chapter have the following meanings:

CBD	The area represented as the Central Business District.
MSC	The area represented as the Main Street Commercial District.
MSR	The area represented as the Main Street Residential District.

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.

(Ord. 08-02-2008, 8-20-2008, eff. 8-21-2008)

Use	CBD	MSC	MSR
<a href="#">Automotive car wash service</a>	<u>N</u>	<u>P</u>	<u>N</u>
<a href="#">Automotive service and repair</a>	<u>N</u>	<u>P</u>	<u>N</u>
Automotive service station	C	P	N

## **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, August 10, 2022. 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 9<sup>th</sup> day of August 2022.

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Daniel M. Olson, Mayor

Councilmember Art Adcock	Voted	___
Councilmember Elizabeth Montoya	Voted	___
Councilmember Lynn Mecham	Voted	___
Councilmember Jeff Siddoway	Voted	___
Councilmember David Hathaway	Voted	___

ATTEST:

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Amalie R. Ottley, City Recorder

STATE OF UTAH                    )  
  ) ss.  
COUNTY OF UTAH                )

I, AMALIE R. OTTLEY, 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 9<sup>th</sup> day of August 2022, entitled

**“AN ORDINANCE AMENDING SANTAQUIN CITY CODE TO MODIFY THE LAND USE DEFINITIONS RELATED TO AUTOMOTIVE SERVICES AND TO PERMIT AUTOMOTIVE REPAIR AND SERVICES AND AUTOMOTIVE CAR WASH SERVICE IN THE MAIN STREET COMMERCIAL DISTRICT OF THE MAIN STREET BUSINESS DISTRICTS ZONE, 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 9<sup>th</sup> day of August 2022.

\_\_\_\_\_  
Amalie R. Ottley  
Santaquin City Recorder

(SEAL)

AFFIDAVIT OF POSTING

STATE OF UTAH                    )  
  ) ss.  
COUNTY OF UTAH                )

I, Amalie R. Ottley, 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 9<sup>th</sup> day of August 2022.

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.

\_\_\_\_\_  
Amalie R. Ottley  
Santaquin City Recorder

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, by Amalie R. Ottley.

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