

ARTICLE III. - GASOLINE STATIONS

Footnotes:

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Charter reference— *Power of city to regulate gasoline stations, § 2.3(m).***Cross reference**— *Signs for gasoline service stations, § 21-6; permitted signs at gasoline service stations, § 21-10.*

Sec. 12-69. - Finding of necessity.

The council has adopted this division after extensive hearings, after full review by the city planning commission, and on the following determinations made by the council and planning commission:

- (a) That there is a fundamental conflict between the operation of gasoline service stations, as herein defined and the quiet, peaceful, enjoyment of adjacent areas.
- (b) That the unrestricted and unregulated operation of a gasoline service station, in the finding of this council, constitutes a public nuisance and is detrimental to the general health, welfare and safety of the people of this city.
- (c) That the regulation of activities and/or equipment of gasoline stations, as herein defined are necessary to compromise the conflict existing between the operation of said gasoline service stations and adjacent residential areas.
- (d) That among other things, the noise, odor, lights, fumes, vibration, dust, danger of fire and/or explosions, traffic problems, incidental to the operation of gasoline service stations are factors peculiar to this business which warrant its being the subject of regulation as set forth in this division.
- (e) That the city council has determined after study, hearings and review of complaints received by it, that it is necessary to regulate all gasoline and/or service stations operating in the city and to establish uniform rules for the location, equipping, operation and number of the same within the city.
- (f) That the planning commission has previously incorporated into the city master plan the provisions of this division.

(Code 1962, § 3-401)

Sec. 12-70. - Definitions.

For the purpose of this division, certain words and tenses used herein shall be interpreted or defined as set forth in section 10-101 of the city zoning ordinance. However, the terms "service station" or "gasoline service station," as used in this article, shall be deemed to refer to any facility where motor vehicles are serviced or repaired regardless of whether gasoline or other fuels are offered for sale on the premises.

(Code 1962, § 3-402; Ord. No. 88-3, § 1, 9-7-88)

Sec. 12-71. - Compliance with other ordinances.

Gasoline stations and service stations shall be designed and constructed in conformity to codes, regulations and ordinances adopted by the city.

(Code 1962, § 3-403(a))

Sec. 12-72. - Location restrictions.

Gasoline or service stations shall not be operated, existing stations excepted, within five hundred (500) feet from places of public assembly, nor shall any gasoline service station be located, existing stations excepted, within seven hundred fifty (750) feet measured along the same side of the street, to an existing gasoline service station.

(Code 1962, § 3-403(i))

Sec. 12-73. - Pumps, service equipment, buildings and abutting areas.

- (a) Pumps and other service equipment shall be located twenty-five (25) feet from residential property lines, rear and side setbacks. Lots having an alley to the rear or side shall provide ten (10) feet setback from the nearest alley line.
- (b) Buildings shall be one story with a maximum of three (3) one-car service bays. Additional outdoor facilities or areas for repairs or servicing of vehicles are prohibited.
- (c) Areas surrounding gasoline service stations shall be suitably screened as determined by the city manager after approval by the city council, by use of shrubs, plants, fences or other materials on rear and side lot lines. Proper maintenance of screening shall be required.

(Code 1962, § 3-404; Ord. No. 85-4, § 1, 5-22-85)

Editor's note— Section 1 of Ord. No. 85-4, adopted May 22, 1985, amended § 12-73 by repealing the provisions of former paragraph (a) which limited gasoline service stations to six (6) pumps. The editor, at his discretion, has redesignated the remaining paragraphs (b)—(d) as (a)—(c).

Sec. 12-74. - Storage of materials.

All permanent storage of material, merchandise and equipment shall be within the principal building or within permanent stationary containers located within the setback lines, with the exception of refuse and trash which shall be located in an enclosed or screened area.

(Code 1962, § 3-403(b))

Sec. 12-75. - Accessory buildings.

No accessory buildings shall be allowed at gasoline or service stations except by permission of the board of zoning appeals.

(Code 1962, § 3-403)

Sec. 12-76. - Approach aprons, access drives, service areas and parking areas.

- (a) On corner lots, approach aprons of gasoline or service stations shall not run continually around a corner, but must be separated by a curbed island extending at least twenty (20) feet from the property line as extended.
- (b) Approach aprons, service areas and parking areas shall be provided with pavement having an asphaltic or Portland cement binder so as to provide a permanent, durable and dustless surface and shall be so graded and drained as to dispose of all surface water accumulated within the area.
- (c) Access drives or approach aprons shall not extend into or across alleys.

(Code 1962, § 3-403(d), (e), (h))

Sec. 12-77. - Reserved.

Sec. 12-78. - Vehicle parking.

- (a) Parking at gasoline stations, or service stations, with the exception of cars at the pumps or

waiting for immediate service, shall be limited to three (3) passenger-type cars for each service bay, attendants' vehicles and other vehicles incidental to service, except that any partially dismantled or wrecked vehicles shall not be stored for more than a total of eight (8) hours outside the building on such premises. With the exception of vehicles waiting for immediate service, all vehicles shall be parked in approved parking spaces.

- (b) "Vehicles waiting for immediate service" are defined as those vehicles at a fuel pump or waiting in line for an available fuel pump. Vehicles waiting for immediate service also include any vehicle awaiting service while the owner or operator remains on the premises for a period of not to exceed thirty (30) minutes. Vehicles which are not being actually worked on because parts are on order, because there is a backlog of work, or because of any other reason shall not be considered vehicles waiting for immediate service.

(Code 1962, § 3-403(f), (h); Ord. No. 85-4, § 1, 5-22-85; Ord. No. 88-3, § 2, 9-7-88)

Sec. 12-79. - Drains.

Drains located on the premises of a gasoline service station without approved separators in the trap shall be prohibited.

(Code 1962, § 3-403(l))

Sec. 12-80. - Fire prevention.

Acetylene torches or welding equipment and use of gasoline or other inflammable mixtures to wash down the premises shall be prohibited.

(Code 1962, § 3-403(k))

Sec. 12-81. - Repair work.

All repair work herein allowed shall be done within the principal building located on the premises of a gasoline and/or service station as herein permitted.

(Code 1962, § 3-403(m))

Secs. 12-82, 12-83. - Reserved.

Editor's note— Sections 12-82 and 12-83, containing special provisions for self-service gasoline stations and providing licensing provisions, and derived from Ord. No. 262, § 1, adopted Dec. 19, 1977; Ord. No. 293, §§ 2, 3, 5, adopted April 21, 1980; Ord. No. 305, § 1, adopted June 1, 1981; and Ord. No. 322, § 1, adopted July 21, 1982, were repealed by Ord. No. 85-4, § 1, adopted May 22, 1985.

Secs. 12-84—12-98. - Reserved.