



Ordinance

OFFICE OF THE
MAYOR
CITY OF SAN LUIS

Ordinance 338

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SAN LUIS, ARIZONA, AMENDING THE CITY OF SAN LUIS ZONING ORDINANCE WITH RESPECT TO PROVISIONS REGARDING OUTDOOR SALES USES IN COMMUNITY COMMERCIAL ZONING DISTRICTS; PROVISIONS FOR MEDICAL MARIJUANA DISPENSARIES IN COMMUNITY COMMERCIAL ZONING DISTRICTS; PROVISION FOR THE ADDITION OF MEDICAL MARIJUANA DISPENSARIES AND MEDICAL MARIJUANA DISPENSARY OFFSITE CULTIVATION USES IN GENERAL INDUSTRIAL ZONING DISTRICTS; PROVISION FOR THE ADDITION OF MINI STORAGE USES IN COMMUNITY COMMERCIAL ZONING DISTRICTS; PROVIDING FOR EFFECTIVE DATE; REPEALING ANY CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

Whereas, the City of San Luis desires to amend, correct, and update its Zoning Code;

Whereas, the City of San Luis desires to provide better pedestrian access in its Commercial C-2 Zoning District by allowing a reasonable space for out-door sales, displays, and vending machines;

Whereas, the City of San Luis desires to add the use of in-door mini-storage use to its Commercial C-2 Zoning District;

Whereas, the City of San Luis desires to correct a scribner's error in the description of a conditional use in Commercial C-2 Zoning District. It should read "Medical marijuana dispensary" rather than it currently reads as "Medical marijuana dispensary offsite cultivation location." There was an error in copying Ordinance 292 passed February 23, 2011 (Exhibit "A") to the City of San Luis Zoning Code under section 7.2(C) (9) passed in Ordinance 312 on April 11, 2012 becoming effective May 12, 2012;

Whereas, the City of San Luis desires to add medical marijuana dispensary and medical marijuana dispensary offsite cultivation location as a conditional use and as regulated under State Statute A.R.S. § 36-2804 et seq. in its General Industrial H-1 Zoning District; and

Whereas, the City Council of the City of San Luis finds that it is necessary for the public health, safety, and welfare of the City that the changes to the City of San Luis Zoning Ordinance as set forth in this ordinance become effective at the earliest date provided by law;

NOW THEREFORE BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF SAN LUIS, ARIZONA AS FOLLOWS:

Section 1. The City of San Luis Zoning Ordinance is hereby amended to read as set forth in that certain document entitled "Exhibit B – Amendments to City of San Luis Zoning Ordinance Sections 7.2 (B)(13), 7.2(C)(9), 7.2(C)(10), 8.2(C)(9), and 8.2(C)(10)", hereinafter referred to as "Exhibit B", which is attached hereto and by this reference incorporated herein as though fully set forth again in full. The provisions of said Exhibit B are to become effective on the 26th day of June 2015.

Section 2. In the event of a conflict between the provisions of this ordinance and any other ordinance, resolution, regulation, or policy within the City of San Luis, the conflicting provisions are hereby repealed, superseded, and replaced, and the provisions of this ordinance and "Exhibit B– Amendments to City of San Luis Zoning Ordinance Sections 7.2 (B)(13), 7.2(C)(9), 7.2(C)(10), 8.2(C)(9), and 8.2(C)(10)" shall govern.

Section 3. If any section, subsection, sentence, clause, phrase, or portion of this ordinance, or "Exhibit B– Amendments to City of San Luis Zoning Ordinance Sections 7.2 (B)(13), 7.2(C)(9), 7.2(C)(10), 8.2(C)(9), and 8.2(C)(10)" is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance or said reference regulations.

Section 4. It is necessary for the preservation of the peace, health and safety of the City of San Luis, Arizona, an emergency is declared to exist, and this ordinance shall become immediately operative and in force from and after the date of posting hereof.

PASSED AND ADOPTED by the Mayor and City Council of the City of San Luis, Arizona, this 27th day of May, 2015.



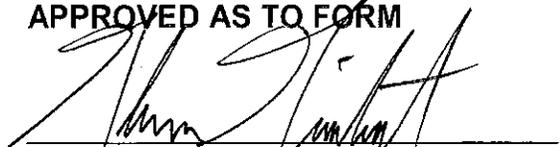
Gerardo Sanchez, Mayor

ATTEST:

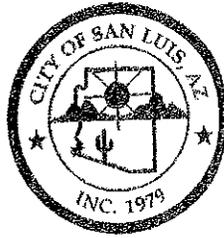


Sonia Cornelio, City Clerk

APPROVED AS TO FORM



Glenn Gimbut, City Attorney



Ordinance

NO. 292

OFFICE OF THE
MAYOR
CITY OF SAN LUIS

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SAN LUIS, ARIZONA, AMENDING ORDINANCE NO. 13, AS AMENDED, PROVIDING FOR CHANGES TO THE ZONING AND LAND USE REGULATIONS OF THE CITY OF SAN LUIS TO PROVIDE REGULATIONS FOR MEDICAL MARIJUANA DISPENSARIES AND DISPENSARY OFFSITE CULTIVATION LOCATIONS AS AUTHORIZED PURSUANT TO A.R.S. §36-2804; PROVIDING FOR PENALTIES; REPEALING ANY CONFLICTING PROVISIONS; AND PROVIDING FOR SEVERABILITY.

Whereas, the City of San Luis desires to amend and update its zoning regulations in accordance with Initiative 203 as approved by the voters of the State of Arizona in November 2010; and

Whereas, the City of San Luis has adopted Resolution No. 919, said resolution having declared certain documents entitled "Medical Marijuana 2010" as a public record;

NOW THEREFORE BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF SAN LUIS, ARIZONA, AS FOLLOWS:

Section 1. The City Code is hereby amended to read as set forth in that certain document entitled "Exhibit A - Medical Marijuana 2010", three copies of which are on file with the City Clerk, and which is hereby adopted by reference as though fully set forth again in full.

Section 2. Penalties. It shall be unlawful for any person, firm, or corporation to violate, or cause the violation of any provision of "Exhibit A - Medical Marijuana 2010" as adopted by this ordinance. Each separate day, or part thereof, that a violation continues is a separate offense. Any violation of or failure to do or perform any act required by this ordinance or "Exhibit A - Medical Marijuana 2010" constitutes a civil offense punishable pursuant to Article 1-8 of the City Code. Any third, or more, offense committed within one year of the date of the first offense shall be punishable as a class one misdemeanor pursuant to Article 1-8 of the City Code.

Section 3. In the event of a conflict between the provisions of this ordinance and any other ordinance, resolution, regulations, or policy regarding the regulations of Medical Marijuana within the City of San Luis, the conflicting provisions are hereby repealed, superseded, and replaced, and the provisions of this ordinance and the "Exhibit A - Medical Marijuana 2010" shall govern.

Section 4. If any section, subsection, sentence, clause, phrase, or portion of this ordinance, or "Exhibit A - Medical Marijuana 2010" is for any reason held to be invalid or

Section 5, unconstitutional by the final decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance or said reference regulations.

PASSED AND ADOPTED by the Mayor and City Council of the City of San Luis, Arizona, this 23rd day of February, 2011.

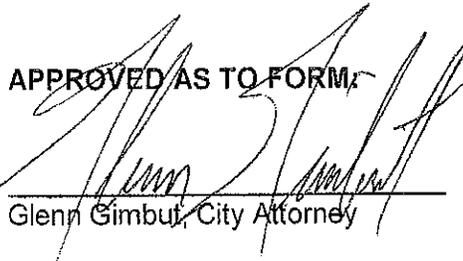

Juan Carlos Escamilla, Mayor

ATTEST:



Sonia Cuello, City Clerk

APPROVED AS TO FORM:



Glenn Gimbut, City Attorney

EXHIBIT A
MEDICAL MARIJUANA 2010
PROPOSED AMENDMENTS BY STAFF
CITY OF SAN LUIS ZONING ORDINANCE

SECTION 1. Article II (Definitions) of the Land Use Regulations, adopted by reference pursuant to Ordinance No. 13, as amended, of the City of San Luis, is hereby amended by adding the following definitions of "medical marijuana dispensary" and "medical marijuana dispensary offsite cultivation location" to Section 201 (Definitions "M"):

Medical marijuana dispensary: A nonprofit medical marijuana dispensary duly registered and certified pursuant to A.R.S. § 36-2804.

Medical marijuana dispensary offsite cultivation location: The one additional location, if any, duly identified pursuant to A.R.S. § 36-2806 (E) during the process of registering a nonprofit medical marijuana dispensary, where marijuana will be cultivated for sale at a nonprofit medical marijuana dispensary duly registered and certified pursuant to A.R.S. § 36-2804.

SECTION 2. Article VI, Section 601 (Zoning) Rural Area of the Land Use Regulations as adopted by reference by the City of San Luis as referenced hereinabove, hereby amended by revising 601.03, "Special Uses", to add a new subparagraph Q, as follows:

Q. Medical marijuana dispensary offsite cultivation location, subject to the requirements found in Section 1110.

SECTION 3. Article VI, Section 611 (Zoning), General Commercial District (C-2) of the Land Use Regulations as adopted by the City of San Luis, as referenced hereinabove, is hereby amended by revising Section 611.03, "Special Uses", to add a new subparagraph b as follows:

b. Medical marijuana dispensary, subject to the special use permit procedure, and subject to the requirements found in Section 1110.

SECTION 4. Article VI, Section 612 (Zoning), Light Industrial District of the Land Use Regulations as adopted by the City of San Luis, as referenced hereinabove, is hereby amended by revising Section 612.03, "Special Uses", to add new subparagraphs c and d, as follows:

c. Medical marijuana dispensary, subject to the requirements found in Section 1110.

d. Medical marijuana dispensary offsite cultivation location, subject to the requirements found in Section 1110.

SECTION 5. Article XI (Additional Use and Setback Regulations) of the Land Use Regulations as adopted by the City of San Luis, as referenced hereinabove, is hereby amended by adding new Section 1110, as follows:

Section 1110 Medical Marijuana Uses.

- A. The minimum requirements of this section shall apply to all “medical marijuana dispensary” and “medical marijuana dispensary offsite cultivation location” uses located in any zoning district.
- B. In addition to any other application requirements, an applicant for any “medical marijuana dispensary” or “medical marijuana dispensary offsite cultivation location” conditional use permit shall provide the following:
1. A notarized authorization executed by the property owner, acknowledging and consenting to the proposed use of the property as a medical marijuana dispensary or a medical marijuana dispensary offsite cultivation location, as applicable.
 2. The legal name of the medical marijuana dispensary or medical marijuana dispensary offsite cultivation location.
 3. If the application is for a medical marijuana dispensary offsite cultivation location, the name and location of the medical marijuana dispensary with which it is associated.
 4. The name, address, and birth date of each officer and board member of the nonprofit medical marijuana dispensary.
 5. The name, address, birth date, and valid registry identification card number of each nonprofit medical marijuana dispensary agent.
 6. A copy of the operating procedures adopted in compliance with A.R.S. §36-2804 (B) (1) (c).
 7. A notarized certification that none of the nonprofit medical marijuana dispensary officers or board members has been convicted of any of the following offenses:
 - i. A violent crime as defined in A.R.S. § 13-901.03 (B) that was classified as a felony in the jurisdiction where the person was convicted.
 - ii. A violation of state or federal controlled substance law that was classified as a felony in the jurisdiction where the person was convicted

except an offense for which the sentence, including any term of probation, incarceration or supervised release, was completed ten or more years earlier or an offense involving conduct that would be immune from arrest, prosecution or penalty under A.R.S. § 36-2811 except that the conduct occurred before the effective date of that statute or was prosecuted by an authority other than the state of Arizona.

8. A notarized certification that none of the nonprofit medical marijuana dispensary officers or board members has served as an officer or board member for a medical marijuana dispensary that has had its registration certificate revoked.

9. A floor plan showing the location, dimensions and type of security measures demonstrating that the medical marijuana dispensary or medical marijuana dispensary offsite cultivation location will be secured, enclosed, and locked as required by law.

10. A scale drawing depicting the property lines and the separations from the nearest property boundary of the parcel containing the medical marijuana dispensary or medical marijuana dispensary offsite cultivation location to the property boundary of the parcel containing any existing uses listed in paragraph E below. If any of the uses are located within 50 feet of the minimum separation, the drawing, showing actual surveyed separations, shall be prepared by a registered land surveyor.

C. A medical marijuana dispensary shall have operating hours not earlier than 9:00 a.m. and not later than 5:00 p.m.

D. A medical marijuana dispensary or medical marijuana dispensary offsite cultivation location shall:

1. Be located in a permanent building and may not be located in a trailer, cargo container or motor vehicle.
2. Not have drive-through service.
3. Not emit dust, fumes, vapors or odors into the environment.
4. Not provide offsite delivery of medical marijuana.
5. Prohibit consumption of marijuana on the premises.
6. Not have outdoor seating areas.

7. Display a current City of San Luis business license applicable to medical marijuana uses.

E. A medical marijuana dispensary or medical marijuana dispensary offsite cultivation location shall meet the following minimum separations, measured in a straight line from the boundary of the parcel containing the medical marijuana dispensary or medical marijuana dispensary offsite cultivation location to the property boundary of the parcel containing any existing uses listed below:

1. 2,000 feet from any other medical marijuana dispensary or medical marijuana dispensary offsite cultivation location.
2. 2,000 feet from a residential substance abuse diagnostic and treatment facility or other residential drug or alcohol rehabilitation facility.
3. 1,000 feet from a public, private, parochial, charter, dramatic, dancing, music, learning center, or other similar school or educational facility that caters to children.
4. 1,000 feet from a childcare center.
5. 1,000 feet from a public library or public park.
6. 1,000 feet from a church.

F. A medical marijuana dispensary offsite cultivation location not associated with a medical marijuana dispensary is prohibited, and only one medical marijuana dispensary offsite cultivation location shall be permitted for the single medical marijuana dispensary with which it is associated.

**EXHIBIT B
CORRECTING AND AMENDING
VARIOUS ZONING DISTRICT USES
PROPOSED AMENDMENTS BY STAFF
CITY OF SAN LUIS ZONING ORDINANCE**

Section 1. Section 7.2 (Commercial Zoning District) Subsection (B) (Permitted Uses – “C-2” Zoning District), adopted by reference pursuant to Ordinance No. 312 , as amended, of the City of San Luis Zoning Ordinance, is hereby amended as follows:

~~13. Outdoor sales, displays, and vending machines only if one (1) or more of the following conditions are present:~~

~~a. Products and services displayed outdoors are customary, accessory, and incidental to those sold and displayed in a primary business being conducted in a permanent building on the property.~~

~~b. Outdoor sales and displays do not interfere with pedestrian access ways, fire lanes, required parking spaces, driveways, landscape areas, or traffic visibility at driveway entries and street intersections.~~

~~c. The combined outdoor sales and display areas do not exceed fifty (50%) percent of the business's gross square footage.~~

~~14.~~ 13. Dry-cleaning facility.

~~15.~~ 14. Hotels and motels.

~~16.~~ 15. Indoor entertainment and amusement facilities such as; movie theaters, dance halls, bowling alleys, billiard parlors, skating rinks, video and game arcade.

~~17.~~ 16. Health club, fitness or exercise facility and tennis and racket clubs.

~~18.~~ 17. Household, sickroom or office equipment rental and services.

~~19.~~ 18. Car wash facilities, auto part stores, auto service stations and convenience market with the sale or dispensing of gasoline.

~~20.~~ **19.** Outdoor display areas for the sale of new or used automobiles, trucks, boats, trailers, and recreational vehicles and for the rental of such vehicles provided all sales, repair and rental activities are conducted within a building.

~~21.~~ **20.** General auto repair, including auto painting and body repair, provided all repair operations are conducted within a building. May include an outside vehicle storage area to be used only for vehicles under repair which shall be screened from any street or surrounding property.

~~22.~~ **21.** Nurseries, flower and plant sales, provided all incidental equipment and supplies including fertilizer and empty cans, are kept within a completely enclosed building or within an area enclosed on all sides by a solid fence or wall at least six (6) feet in height and no goods, materials or objects are stacked higher than the fence or wall.

~~23.~~ **22.** Mobile Food Vendors provided that such uses may not be located within any portion of the public right-of-way (including sidewalks).

~~24.~~ **23.** Mobile Vendors provided that such uses may not be located within any portion of the public right-of-way (including sidewalks).

~~25.~~ **24.** Religious Institutions.

Section 2. Section 7.2 (Commercial Zoning District) Subsection (C) (Conditional Uses – “C-2” Zoning District), adopted by reference pursuant to Ordinance No. 312 , as amended, of the City of San Luis Zoning Ordinance, is hereby amended as follows:

11. Outdoor sales, displays, and vending machines only if all of the following conditions are present:

a. Products and services displayed outdoors are customary, accessory, and incidental to those sold and displayed in a primary business being conducted in a permanent building on the property.

b. Outdoor sales and displays do not interfere with pedestrian access ways, walk-ways, fire lanes, required parking spaces, driveways, landscape areas, or traffic visibility at driveway entries and street intersections.

c. The combined outdoor sales and display areas do not exceed

ten percent (10%) of the business’s gross square footage.

Section 3. Section 7.2 (Commercial Zoning District) Subsection (C) (Conditional Uses – “C-2” Zoning District), adopted by reference pursuant to Ordinance No. 312 , as amended, of the City of San Luis Zoning Ordinance, is hereby amended as follows:

9. Medical marijuana dispensary ~~offsite cultivation location~~, subject to the requirements found in Section 14.15 Medical Marijuana Uses.

Section 4. Section 7.2 (Commercial Zoning District) Subsection (C) (Conditional Uses – “C-2” Zoning District), adopted by reference pursuant to Ordinance No. 312 , as amended, of the City of San Luis Zoning Ordinance, is hereby amended by adding conditional use for in-door mini storage as follows:

10. Mini-storage facility except that no outdoor open storage will be allowed. A night watchman quarters, as a security provision, may be an accessory use.

Section 5. Section 8.2 (“H-I” General Industrial Zoning District) Subsection (C) (Conditional Uses – “H-I” Zoning District), adopted by reference pursuant to Ordinance No. 312 , as amended, of the City of San Luis Zoning Ordinance, is hereby amended by adding conditional use for medical marijuana dispensary and medical marijuana dispensary offsite cultivation location as those uses are defined in Section 1.12(B) (117) and (118) as follows:

9. Medical marijuana dispensary, as defined in Section subject to the requirements found in Section 14.15 Medical Marijuana Uses.

10. Medical marijuana dispensary offsite cultivation location, subject to the requirements found in Section 14.15 Medical Marijuana Uses.