



Ordinance

OFFICE OF THE
MAYOR
CITY OF SAN LUIS

ORDINANCE NO. 239

AN ORDINANCE OF THE CITY OF SAN LUIS, ARIZONA AMENDING ORDINANCE NO. 13, AS AMENDED, AND THE ZONING CODE OF THE CITY OF SAN LUIS BY REGULATING LARGE RETAIL ESTABLISHMENTS, PROVIDING FOR SPECIAL USE PERMITS; REPEALING ANY CONFLICTING PROVISIONS, PROVIDING FOR SEVERABILITY, AND DECLARING AN EMERGENCY

BE IT ORDAINED by the Mayor and Council of the City of San Luis, Arizona, as follows:

Section 1: Article 2, Section 201.00 of the San Luis Zoning Code is hereby amended to add the following definition:

LARGE RETAIL ESTABLISHMENT shall mean a retail establishment (store) with any commercial retail uses or combination of such commercial retail uses comprised of greater than 25,000 square feet. The 25,000 square feet of floor area includes gross floor area and ancillary outdoor storage or merchandise display areas. The floor area does not include motor vehicle parking or loading areas. For purpose of determining the applicability of the 25,000 square foot area, the aggregate square footage of all adjacent stores with common check stands, management, a controlling ownership interest, and storage areas, shall be considered one establishment, e.g. a plant nursery associated with a general merchandise area such as a home improvement area.

Section 2: Article 6, Section 611.02 of the San Luis Zoning Code is hereby amended to add to uses permitted in the C-2 district:

“General retail business establishments, except for Large Retail Establishments as defined in Section 201.00, engaged in selling goods or services to the public.”

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“Large Retail Establishments as defined in Section 201.00 require a special use permit.”

Section 3: Article 6, Section 611.03 of the San Luis Zoning Code is hereby amended to add to uses allowed in a C-2 district provided a special use permit is approved by the Board of Adjustment pursuant to Ordinance No. 55:

“Large Retail Establishments as defined in Section 201.00. In reviewing a special use permit for a Large Retail Establishment review and approval of such a use permit shall include, but not be limited to, examination of the following factors, where applicable:

1. Consistency with the comprehensive plan.
2. Ingress and egress to property and proposed structures, pedestrian and vehicular circulation with particular reference to fire protection.
3. Off-street parking and loading.
4. General compatibility of use with adjacent property and property in the district.
5. Impact on public services, including schools, recreation and utilities.
6. Screening and buffering of uses.
7. Signage.
8. Exterior lighting with reference to adjacent properties.
9. Stormwater retention and landscaping.
10. Site and building design for conformance with the comprehensive plan and policies and City standards.
11. Vehicular traffic circulation.

Approval of such a use permits, in addition to the provisions of Ordinance No. 55, may be granted upon a finding that the request:

1. Is in conformance with the comprehensive plan and its policies.
2. Will not be detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood or to the public welfare in general, and that the use will be in full conformity with the conditions, requirements or standards prescribed by this Code or higher as may be deemed necessary by the Board of Adjustment in any one (1) situation.

In applying for such a special use permit for a Large Retail Establishment the applicant may be required by the Zoning Administrator to submit a traffic study or such other professional studies for impact on traffic, public safety, public services, utilities, environment, or such matters as may be determined to supply the information needed to properly assess the matter. The granting of a special use permit may be granted on conditions which shall be met by the applicant deemed reasonable to provide for the public

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health, safety, transportation, and welfare, and to allow the use to be located in harmony with the surrounding neighborhood and the City

Section 4: The fee for a special use permit application for a Large Retail Establishment shall be in the amount of seven thousand five hundred dollars (\$7,500.00).

Section 5: In the event of a conflict between the provisions of this Ordinance and any other ordinance, resolution, regulation, or policy of the City of San Luis, the conflicting provisions are hereby repealed, superseded, and replaced, and the provisions of this ordinance shall govern.

Section 6: If any section, subsection, sentence, clause, phrase, or portion of this Ordinance 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.

Section 7: Whereas, it is necessary for the preservation of the peace, health, safety and welfare of the City of San Luis, Arizona, and for further reason that the best interest of the City require the amendments to go into immediate effect, 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 Council of the City of San Luis, Arizona, this 2nd day of February, 2006.



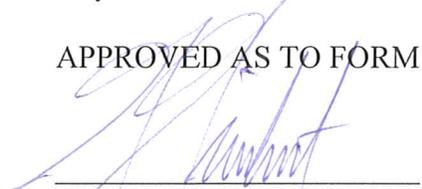
Nieves Riedel, Mayor

ATTEST:



Sonia Sanchez
City Clerk

APPROVED AS TO FORM:



Glenn J. Gimbut
City Attorney