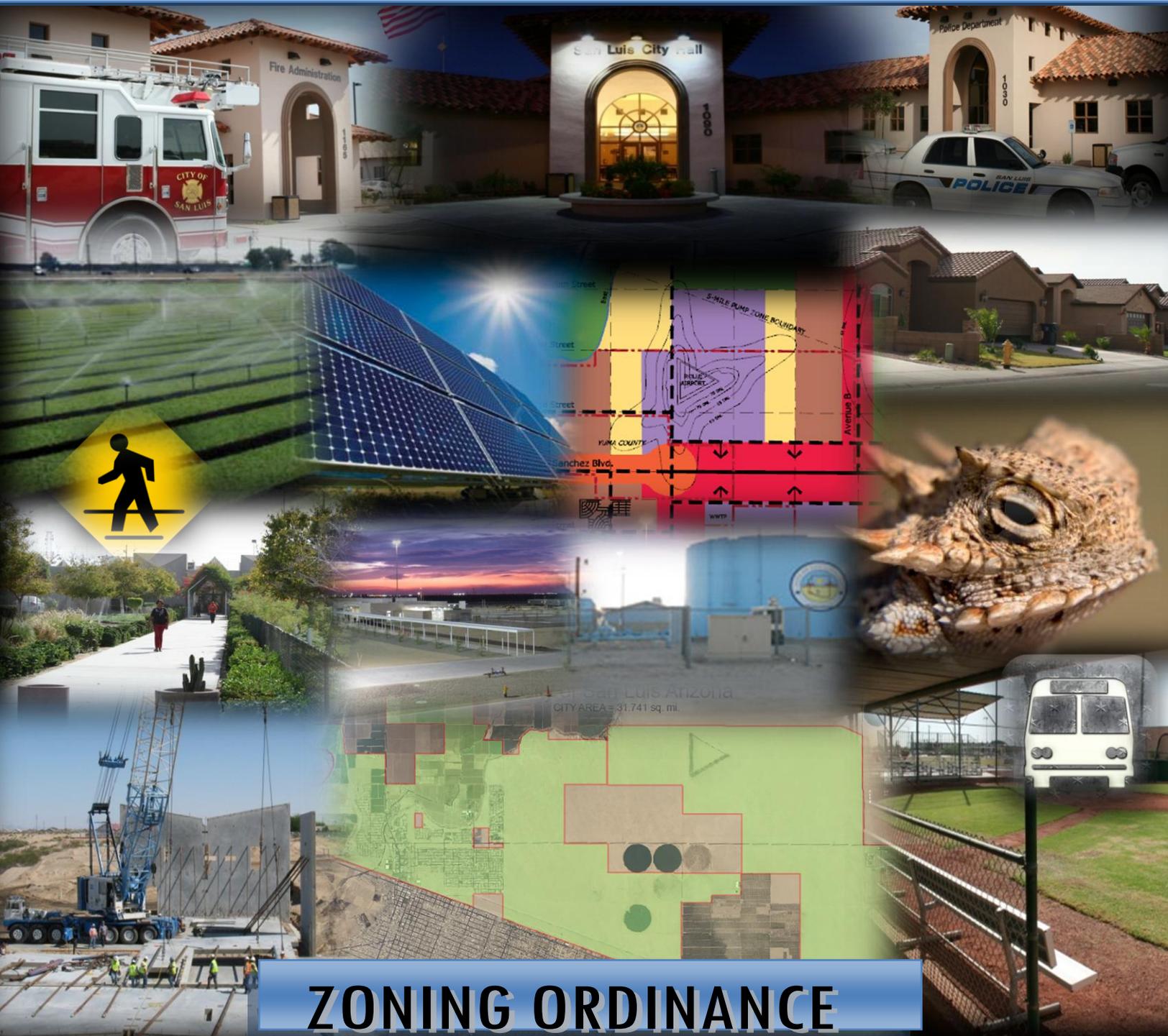


You are the future of San Luis



ZONING ORDINANCE

MAY 2012

Acknowledgments

The City of San Luis would like to thank the various individuals and working groups for taking the time to provide suggestions and acknowledge their input in the drafting of this Ordinance.

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Article 2-6, Chapter 1 - Title, Scope and Definitions

Section 1.0 Short Title. These regulations shall be known and may be cited as the “City of San Luis Zoning Ordinance” and will be referred to herein as “this code”, or “this ordinance”. All appendices, tables, exhibits and/or maps within this ordinance are hereby adopted and shall be incorporated herein as a part of this ordinance.

Section 1.1 Authority. This Ordinance is adopted pursuant to the authority contained in the Arizona Revised Statutes (A.R.S.) § 9-462, et seq. and general laws in order to conserve and promote the public interest, health, comfort, safety, convenience, and general welfare of the citizens of the City of San Luis.

Section 1.2 Purpose and Intent.

- A. The purpose of this ordinance and the intent of its application is to provide the minimum requirements for the implementation of the City of San Luis General Plan; to provide for procedures that respond uniformly and consistently to development proposals; to guide, control, and regulate the future growth and development of the City consistent with the municipal capability to provide utilities and services; to enhance the character and the stability of the residential, commercial, industrial, and recreational areas of the City. This Ordinance shall further provide for the preservation of open space, adequate light and air, avoidance of overcrowding of land and excessive concentration of population by establishing land use classifications and by imposing regulations on the use of land, on the location, height and bulk of buildings and structures and by establishing standards for design and development.
- B. This Zoning Ordinance establishes offices, boards, and commissions and defines the power and duties of each; provides procedures for changing zoning districts and the standards which govern those districts, variances, uses permits and all other permits required by this Zoning Ordinance; provides for enforcement, interpretation, and appeals; prescribes penalties for violations and infractions of these zoning regulations.

Section 1.3 Applicability.

- A. The provisions of this Ordinance shall govern the development and the uses of all buildings, structures, and land within the corporate limits of the City of San Luis.
- B. Any use not described and included by this Ordinance as being a permitted use, a temporary use permit, a use subject to conditions, or a use subject to a conditional use permit within a specific zoning district shall be prohibited and is a violation of this Ordinance.
- C. No building, structure, or land shall be used or occupied, and no building, structure, or land shall be developed, and no permit, certificate or license shall be issued for any building, structure, or land unless it is in conformity with all applicable provisions of this Ordinance. Any permit, certificate or license issued in conflict with the terms or

provisions of this Ordinance is subject to revocation, and/or work stoppage order, and any other remedy available as law.

- D. All changes to distinguishing traits or primary features or the use of a building or land, as evidenced by increased parking requirements, change of occupancy, change of outside storage, or other features, occurring to existing properties after the effective date of this Zoning Ordinance shall be subject to all provisions of this Zoning Ordinance. The use of a building or land shall refer to the primary or specific purpose for which the building or land is occupied, designed, intended, or maintained.
- E. This Ordinance is intended to benefit the public as a whole and not any specific person or class of persons. Although through the implementation, administration and enforcement of this Ordinance, benefits and detriments will be enjoyed or suffered by specific individuals, such is merely a by-product of the overall benefit to the whole community. Therefore, unintentional breaches of the obligations of administration and enforcement imposed on the City of San Luis shall not be enforceable in tort, nor create a case of action against the City.

Section 1.4 Conformance with the General Plan. This Ordinance is intended to implement the goals, objectives and policies of the “City of San Luis General Plan” and is hereby deemed to be in conformance with the adopted General Plan. Any amendments to or actions pursuant to this Ordinance shall be in conformance with the General Plan, as it may be amended from time to time.

Section 1.5 Interpretation.

- A. The standards and restrictions established by this Ordinance shall be held to be the minimum requirements for the promotion of the General Plan, and for the interpretation and administration of the zoning regulations, standards, restrictions, uses, procedures, enforcement, fees, administration, and all other areas addressed herein.
- B. This Ordinance is not intended to interfere with, abrogate, or annul any existing provisions of other laws or ordinances, except those zoning and building ordinances specifically repealed by this Ordinance, and providing that they are not in conflict with this Ordinance. In the event of a conflict, the provisions of this Ordinance shall govern. This Ordinance also is not intended to interfere with, abrogate, or annul any private agreements between persons, such as easements, deeds, covenants, except that if this Ordinance imposes higher standards or a greater restriction on land, buildings or structures than an otherwise applicable provision of a law, ordinance, or a private agreement, the provisions of this Ordinance shall prevail.
- C. Where other laws, ordinances, or private restrictions are more restrictive, the City cannot enforce the more restrictive laws, ordinances, or private restrictions as a part of this Zoning Ordinance.
- D. This Ordinance, upon its adoption, amends the text of all other Zoning Ordinances previously adopted by the City of San Luis, Arizona.

Section 1.6 Compliance.

- A. No building permit or other permit required by this Ordinance may be lawfully issued nor shall a Certificate of Occupancy be granted until the Zoning Administrator or his/her designee has given authorization indicating all requirements of this Zoning Ordinance, all conditions and stipulations of approval, and any other specific project related requirements have been met.
- B. Except as specifically provided to the contrary in this Ordinance, each review and approval required by this Ordinance shall be independent of every other review and approval, and no review or approval shall be deemed to waive or satisfy any other requirement set forth herein.
- C. Where, in any specific case, different sections of this Ordinance or any other City ordinance or code specify different requirements, the more restrictive shall govern. Where there is conflict between a general requirement and a specific requirement, the specific requirement shall apply.

Section 1.7 Transitional Provisions.

- A. All conditional uses which have been legally approved and established, shall be permitted to proceed under such approvals, provided that the person, firm, or corporation that obtained such conditional uses have also obtained Building Permits for all buildings and structures to be constructed within ninety (90) days after the effective date of this Ordinance and provided that all construction is completed within six (6) months of the approval of such conditional use, unless the Council action approving such conditional use had a longer period of time or unless a time extension is applied for and approved by Council.
- B. A Planned Unit Development and/or a Development Agreement approved prior to the adoption of this Ordinance will guide and control the specific development for such property. The provisions of this Zoning Ordinance shall apply to the Planned Unit Development and/or the Development Agreement if the prior plan approval has expired.
- C. For any building, structure, or development for which plans have been reviewed and/or approved by the City, under the terms of the previous Ordinance, the developer has ninety (90) days from the date the City notifies them that the plans are approved and/or permits are ready to be issued to pay for said permit and commence construction otherwise said building, structure, or development shall be in compliance with this Ordinance.

Section 1.8 Fees. The Mayor and City Council of the City of San Luis may from time to time establish, and set by resolution, administrative fees considered necessary to enforce the Zoning Ordinance and for the administration and processing applications for development. The developer/applicant shall, at the time of filing, pay to the City those established fees. These fees shall be non-refundable.

Section 1.9 Enforcement.

- A. The Zoning Administrator shall be responsible for the enforcement of this Ordinance to further the promotion of the public health, safety, and general welfare.
- B. The Zoning Administrator shall in no case grant permission for the issuance of any permit for the construction, reconstruction, alteration, demolition, movement or use of any building, structure, lot, or parcel if the Zoning Administrator determines that the building, structure, lot or parcel as proposed to be constructed, reconstructed, altered, used, or moved, would be in violation of any of the provisions of this Ordinance, unless directed to issue such permit by the Board of Adjustment after interpretation of the ordinance or the granting of a variance.

Section 1.10 Violations and Penalties.

- A. Penalties. It shall be unlawful for any person, firm, or corporation to violate, or cause the violation of any provision of 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 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.
- B. In addition to, or independent of the penalties provided above, the City may bring a civil proceeding in a court of competent jurisdiction to enforce compliance with the terms of the San Luis Zoning Ordinance or to prevent, restrain, or abate any violation of the terms of the San Luis Zoning Ordinance.
- C. It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building, structure, or land or cause or permit the same to be done in violation of this Ordinance. It shall also be unlawful for any person to violate any provision designated as a condition of approval either by the plan review process or through an amendment, conditional use permit, temporary use permit, variance, site plan, or appeal by an Office, Board, Commission, or the City Council as established by this Ordinance.

Section 1.11 Severability.

- A. If any court of competent jurisdiction shall adjudge any provision of this ordinance to be invalid, such judgment shall not affect any other provisions of this ordinance not specifically included in said judgment.
- B. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this ordinance to a particular property, building, or other structure, such judgment shall not affect the application of said provision to any other property, building or structure not specifically included in said judgment.

Section 1.12 Definitions.

- A.** For the purpose of carrying out the intent of this Zoning Ordinance, certain terms or words used herein shall be interpreted or defined as follows:
1. Words used in the present tense include the future; words used in the singular include the plural; and words in the plural include the singular. The word “shall” and “will” are mandatory. The word “may”, “could” and “should” are permissive. The words “guidelines”, “provisions”, “standards” and “regulations” are used interchangeably and are mandatory. The word “person” includes an individual, firm, partnership, joint venture, corporations, associations, organizations, estate, trust, receiver, or and any other group or combination acting as a singular entity, including the federal government, another city or town, county, or school district, except as exempt by law. The following words or terms when applied in this Ordinance may be used interchangeably unless contrary to the circumstances: lot, plot, parcel or premise; and “building” applies to the word “structure”.
- B.** The following additional words and phrases shall, for the purpose of this Ordinance, have the following meanings:
1. **Abutting:** The condition of two adjoining properties having a common property line or boundary or being contiguous to each other.
 2. **Access or Access Way:** The place, means, or way by which pedestrians and vehicles shall have safe, adequate and usable ingress and egress to a property or use as required by this Ordinance.
 3. **Accessory Building:** A detached building, situated on the same lot or building site, the use of which is customarily incidental to that of a principal use of the main building or premise. This does not include manufactured homes or recreational vehicles.
 4. **Accessory Use:** A subordinate use of a building, other structure, or land that is clearly incidental to the use of the primary building, other structure, or use of the land and is conducted on the same lot with the primary building, other structure or use of land.
 5. **Adjacent:** Nearby, but not necessarily touching.
 6. **Adjoining:** Touching at some point.
 7. **Administrative Decision:** Any decision on a development application made by the Zoning Administrator or his/her authorized representative pursuant to this Ordinance.
 8. **Adult Arcade:** Any place to which the public is permitted or invited, wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image producing devices are regularly maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are

distinguished or characterized by their emphasis upon matters exhibiting "specified sexual activities" or "specified anatomical areas."

9. **Adult Bookstore, Adult Novelty Store or Adult Video Store:** A commercial establishment which has as a significant or substantial portion of its stock-in-trade or derives a significant or substantial portion of its revenues or devotes a significant or substantial portion of its interior business or advertising, or maintains a substantial section of its sales or display space for sale or rental for any form of consideration any one or more of the following:
 - a. Books, magazines, periodicals or other printed matter, or photographs, films, computer simulations, holograms, motion pictures, video reproductions, compact discs, slides, or other visual representations which are characterized by their emphasis upon the exhibition or display of "specified sexual activities" or "specified anatomical areas"; or
 - b. Instruments, devices, or paraphernalia, which are designed for use or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse of the user or others.
10. **Adult Cabaret:** A nightclub, bar, restaurant, or similar commercial establishment which regularly features:
 - a. Persons who appear semi-nude; or
 - b. Live performances which are characterized by the exposure of "specified anatomical area" or by "specified sexual activities;" or
 - c. Films, motion pictures, computer simulations, holograms, video cassettes, slides, or other photographic reproductions, which are characterized by the exhibition or display of "specified sexual activities" or "specified anatomical areas."
11. **Adult Motel:** A hotel, motel, or similar commercial establishment which:
 - a. Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, computer simulations, holograms, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the exhibition or display of "specified sexual activities" or "specified anatomical areas"; and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions; and either
 - b. Offers a sleeping room for rent for a period of time that is less than ten hours; or
 - c. Allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than ten hours.

12. **Adult Motion Picture Theater:** A commercial establishment where, for any form of consideration, films, holograms, computer simulations, motion pictures, video cassettes, slides or similar photographic reproductions are regularly shown or displayed which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas.”
13. **Adult Oriented Business:** This term is synonymous with Sexually Oriented Business and means an adult arcade, adult bookstore, adult cabaret, adult motel, adult theater, adult motion picture theater, adult video store, escort agency, nude model studio, or sexual encounter center. (Article 7-4 Sexually Oriented Businesses of the City of San Luis City Code).
14. **Adult Theater.** A theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear nude or semi-nude, or in live performances which are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities.”
15. **Adult Video Store:** See “Adult Bookstore”.
16. **Agricultural Animals:** The following are animals, other than household pets, that are considered accessory agricultural animals to an agricultural use, whether kept and maintained for production and sale, family food production, education or for personal enjoyment. Agricultural animals are classified as large and small animals. Future Farmers of America (F.F.A.) or a 4-H project limited to one (1) such animal is permitted in residential zoning districts provided that it is kept in a manner that does not create a nuisance for adjacent neighbors or land uses. Swine and potbelly pigs will not be permitted in any district except for a limited time in conjunction with a Future Farmers of America (F.F.A.) or a 4-H project.

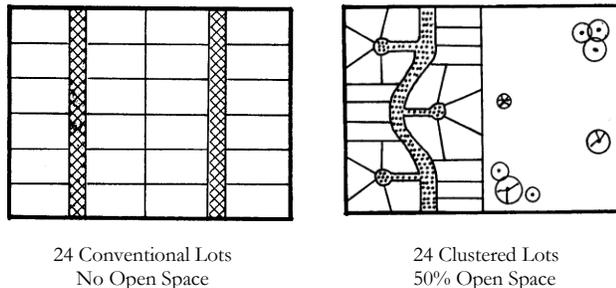
Examples of the types of animals in the different categories include, but are not limited to:
 - a. Large animals: horses, burros, donkeys and mules, miniature horses, cattle, sheep, goats, llamas, and ratites.
 - b. Small animals: rabbits, chinchillas, and poultry.
17. **Agricultural Building:** A structure designed and constructed to house farm implements, hay, grain, poultry, livestock or other horticultural products. This structure shall not be a place of human habitation or a place used by the public.
18. **Alley:** A public or private thoroughfare, other than a street, which affords a secondary means of vehicular access to abutting property and not intended for general traffic circulation.
19. **Alteration:** Any architectural, structural, or use change to a building that requires a permit under the Building Code of the City.
20. **Amendment:** A change in the wording, application, or substance of this Ordinance, or an addition or deletion or change in the zoning district boundaries or classifications of the zoning map.

21. **Amateur Radio Tower:** A freestanding or building-mounted structure, including any base, tower or pole, antenna and appurtenances, intended for airway communication purposes by a person holding a valid amateur radio (HAM) license issued by the Federal Communications Commission.
22. **Antique Shop:** A retail business specializing in the sale of merchandise made in, or typical of, a previous era. Typical merchandise includes, but is not limited to, furniture, silverware, glassware, and other collectibles. Items shall not be donated for resale, but may be displayed on consignment.
23. **Archeologically Significant:** A site which has revealed or has the potential of revealing important information regarding the lifestyles of prehistoric peoples and/or cultures which occupied the City and surrounding region in prehistoric and historic times.
24. **A.R.S.:** Is the abbreviation for the Arizona Revised Statutes.
25. **Assisted Living Facility:** Providing a homelike environment where people can remain as independent as possible, for as long as possible and are licensed by the Arizona Department of Health Services. This designation is determined by the level of care given and not by the number of residents.
26. **Attached Building:** Any structure sealed from the elements with a permanent slab foundation and architecturally integrated with the main structure.
27. **Automobile Repair (general):** Servicing of motor vehicles including tire repair, battery changing, engine rebuilding and transmission repair, storage of merchandise and supplies related to the servicing of motor vehicles, sale of lubricants, automobile washing and lubrication, but excluding body work and painting of vehicles, or other similar activities.
28. **Automobile Service Station:** A convenience use having pumps and storage tanks or other facilities from which gasoline, diesel or alternative fuels are dispensed into motor vehicles.
29. **Awning:** An architectural projection that provides weather protection, identity or decoration and is wholly supported by the building to which it is attached. An awning is comprised of a lightweight, rigid skeleton structure over which a covering is attached.
30. **Baby-sitting:** Any residential dwelling in which child care is regularly provided for compensation for no more than four (4) children who do not reside in the home.
31. **Bar or Cocktail Lounge:** An establishment whose primary business is the serving of alcoholic beverages to the public for consumption on the premises and where food may be available for consumption as an accessory use.
32. **Bed & Breakfast Establishment:** A dwelling in which the occupants of the dwelling provide, for compensation, the short term lodging and meals for guests, occupying not more than four (4) guest rooms, located within the same

principal dwelling. Any dwelling in which more than four (4) guest rooms are provided shall be deemed a hotel.

33. **Board:** Is the City of San Luis Board of Adjustment.
34. **Buildable Area:** The portion of a lot, which is within the envelope formed by the required setbacks or building envelope, if applicable. See “Yard, Required”.
35. **Building:** Any structure having a roof supported by columns or walls for the shelter, use, occupancy, or enclosure of persons, animals, or chattel or property of any kind, with the exception of dog houses, playhouses and similar structures.
36. **Building Area:** The total areas, taken on a horizontal plane at the mean grade level, of the principal buildings and all accessory buildings, exclusive of uncovered porches, steps, roof overhangs, and balconies.
37. **Building Height:** The vertical distance measured from the natural grade to the highest point of the coping of a flat roof, or to the highest point of a mansard roof, or to the highest gable of a pitch or hip roof.
38. **Building Official:** An employee of the City authorized to issue building permits and Certificates of Occupancy and to administer all applicable construction codes.
39. **Building Permit:** An authorization to construct, repair, alter, or add on to a building or structure as issued by the Building Official and authorized by the Zoning Administrator.
40. **Building, Principal:** A building or structure in which the principal or dominant use of the property is conducted.
41. **Building Setback Line:** The required minimum distance, as prescribed by this Ordinance, between the property line and the closest point of any building or structure.
42. **Cargo Container:** A standardized, reusable vessel that is or appears to be originally, specifically or formerly designed for or used in the packing, shipping, movement or transportation of freight articles. Goods or commodities. Also frequently referred to as a “sea container”.
43. **Carport:** A roofed structure which may be attached or unattached to the principal structure providing space for the storage of motor vehicles, at least two (2) sides of which shall be at least 50% open. Enclosed storage facilities may be provided as part of a carport.
44. **Cemetery:** Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes including columbariums, crematoriums, mausoleums, and funeral establishments, when operated in conjunction with and within the boundary of such cemetery.

45. **Child Care, Home Based (DHS Certified Group Home):** Any residential dwelling in which child care is regularly provided for compensation for no more than ten (10) children who do not reside in the home. The home-based child care center shall meet all requirements for certification by the appropriate State agencies and City departments.
46. **Child Care Center (DHS Licensed Child Care Center):** Any facility in which the care, supervision and guidance of a child or children are regularly provided for compensation for ten (10) or more children. The child care center shall meet all requirements for certification by the appropriate State agencies and City departments.
47. **City:** The City of San Luis.
48. **Cluster Development:** A development design technique that concentrates development/buildings in specific areas on a site, rather than distributing them evenly, thereby allowing the remaining land to be retained as natural open space for the preservation of sensitive lands, parks, and public open space areas.



49. **Commission:** The Planning and Zoning Commission of the City of San Luis.
50. **Conditional Use:** A “conditional use” is a use permitted in a particular zoning district only upon a showing that such use in a specified location will comply with all the conditions and standards for the location or operation of such use as specified in this Ordinance.
51. **Contiguous:** see Abutting
52. **Convenience Market:** A small-scale retail establishment the primary purpose of which is the sale of fresh or packaged food, dry goods, and nonprescription medicine primarily to customers from the immediate neighborhood or area. A convenience market shall not exceed five thousand (5,000) square feet of gross floor area.
53. **Corral:** Is a fenced area for the confinement of large agricultural animals.
54. **Council:** The City Council of the City of San Luis.
55. **Decorative Wall:** A decorative wall shall mean stucco or masonry that matches the architectural style of adjacent on-site buildings.

56. **Demolish:** To pull down or tear down a structure without regard to maintaining the visual or structural integrity of its various components.
57. **Density:** A ratio expressing the number of dwelling units, lots or spaces per acre. For the purpose of calculating density the equation shall be as follows:

$$D = \frac{du}{Ac - (C + I + S + R)}$$

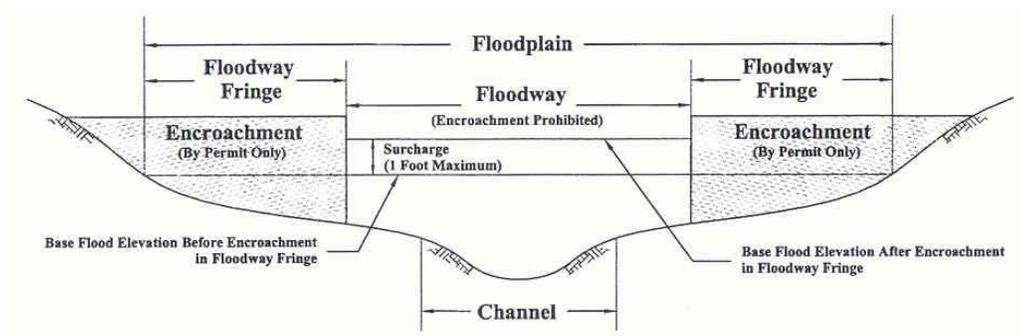
- where: D = Density
du = Total number of dwelling units.
Ac = Total gross site area (acres)
C = Total commercial land (acres)
I = Total industrial land (acres)
S = Reserved but undedicated school sites (acres)
R = Arterial and collector street rights-of-way (acres)

58. **Density Transfer:** Permitted unused allowable densities in one area to be used in another area of the same development. (Examples: within a subdivision clustering of homes on smaller lots to retain larger open space areas; within the floodplain area to cluster homes at a higher elevation to retain undisturbed floodplains.)
59. **Designation:** The process through which a site, structure, objects or district is officially recognized as worthy of preservation.
60. **Developer:** A person, firm, partnership, joint venture, trust, syndicate, association, corporation, limited liability company or other legal entity who desires to improve or otherwise engage in any development of property within the City of San Luis, including the owner of the property; except that an individual serving as agent for such legal entity is not a developer.
61. **Dustproof Surface:** Includes one or more of the following dustproof paving methods:
- a. Asphaltic concrete.
 - b. Cement concrete.
 - c. Penetration treatment of bituminous material and seal coat of bituminous binder and a mineral aggregate.
 - d. A stabilization method approved by the Zoning Administrator
62. **Dwelling, Multiple Residences:** A building or buildings containing two (2) or more housekeeping units.
63. **Dwelling, Single Residence:** A building containing only one (1) housekeeping unit.

64. **Dwelling Unit:** A room or group of rooms within a building containing provisions for living, sleeping, eating, cooking, and sanitation which is designed to be occupied exclusively by a single housekeeping unit.
65. **Employee, Employ, and Employment:** Describe and pertain to any person who performs any service on the premises of a sexually oriented business on a full-time, part-time, or contract basis, regardless of whether the person is denominated as an employee, independent contractor, agent, or by another status. Employee does not include a person exclusively on the premises for repair or maintenance of the premises, or for the delivery of goods to the premises.
66. **Enforcement Officer:** The Chief of Police, City Zoning Administrator or such person as may be designated by the City Council.
67. **Escort:** A person who, for consideration, and for another person, agrees or offers to act as a companion, guide, date or to privately model lingerie or to privately perform a striptease.
68. **Escort Agency:** A person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes, for a fee, tip, or other consideration.
69. **Establish or Establishment:** Any of the following:
 - a. The opening or commencement of any sexually oriented business as a new business.
 - b. The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business;
 - c. The addition of any sexually oriented business to any other existing sexually oriented business; or
 - d. The relocation of any sexually oriented business.
70. **Exhibit:** Any graphic representation noted as "Exhibit" within this Ordinance that is used to illustrate and exemplify certain standards and regulations contained within the language of this Ordinance. If an exhibit and text of the Ordinance conflict, the written text of the Ordinance shall control.
71. **Factory-built Building:** A residential or nonresidential building including a dwelling unit or habitable room thereof which is either wholly or in substantial part manufactured at an off-site location to be assembled on-site, except that it does not include a Manufactured Home, Recreational Vehicle or Mobile Home as defined elsewhere in this chapter.
72. **Farm/Agriculture:** An agricultural use, and all accessory structures customarily associated with such use, where the growing and harvesting of field, tree or bush crops including flowers is the primary land use, along with the incidental raising of agricultural animals takes place, and which may or may utilize employees who are not owners or family of the owners. Does not

include: dairies, concentrated animal feeding operations (CAFO), slaughter and meat packing plants, fertilizer yards.

73. **Fence or Wall Height:** Where a fence or wall faces a public street, highway or alley, height shall be measured from the top of the curb, or where no curb exists, the centerline of the street, highway, or alley. Where a fence or wall is between two (2) properties, the height shall be the average measured from each side of the base of the fence as established at the time of final grading. A retaining wall will be counted as part of the total wall or fence height where the minimum horizontal distance between the retaining wall and the fence is less than the average height of the retaining wall. Where the minimum horizontal distance between the retaining wall and the fence is greater than the average height of the retaining wall the fence or wall height shall be measured from the base of the fence or wall.
74. **Flood Hazard Zone:** Any land area partially or wholly within a delineated floodplain susceptible to flood related damage as designated on the Flood Management Maps. Such flood hazard zones may include, but not be limited to, areas highly susceptible to erosion, stream meander sensitivity, moveable bed, scour, wave action, and subsidence.
75. **Floodplain Administrator:** The Yuma County Floodplain Administrator.
76. **Floodplain:** Areas adjoining the channel of a watercourse, or areas where drainage is or may be restricted by manmade structures which have been or may be covered partially or wholly by floodwater from the one hundred (100) year flood. It means the combined areas of the Floodway and the Floodway Fringe (see illustration below). A floodplain may be that area further defined by the Yuma County Flood Control District and as shown on Federal Emergency Management Agency (FEMA) flood insurance rate maps (FIRM) or an approved flood control study.
77. **Floodway:** The channel of a river or other watercourse and the adjacent land areas necessary in order to discharge the one-hundred (100) year flood without cumulatively increasing the water surface elevation more than one (1) foot.
78. **Floodway Fringe:** That area of the floodplain on either side of the floodway where encroachment may be permitted.



79. **Floor Area, Gross (G.F.A.):** The combined gross area of all of the floor(s) within the exterior walls of a building. Included shall be any basement floor, interior balconies and mezzanines, elevator shafts and stairwells and enclosed porches. The floor area of accessory uses and of accessory buildings on the same lot shall be included.
80. **Floor Area Ratio (F.A.R.):** The ratio of the floor area of all structures on a parcel to the net lot area of the parcel expressed as a percent or decimal.
- $$\text{FAR} = \frac{\text{total floor area}}{\text{total net lot area}}$$
81. **Frontage:** The frontage of a parcel of land is that distance where a property line is common with a road right-of-way.
82. **Funeral Parlors and Mortuaries:** An establishment primarily engaged in the provision of services involving the care, preparation, or disposition of the human dead and conducting memorial services. Typical uses may include a crematory, columbarium, mausoleum, or mortuary.
83. **Garage Sale:** The sale on residential property of goods typically associated with residential use, conducted by a resident of the property.
84. **General Plan:** A comprehensive plan pursuant to A.R.S. 9-461.05, providing for the future growth and improvement of the City of San Luis and for the general location of streets, schools and recreation areas, public building sites, and other physical development, and including any part of such plan separately adopted and any amendment to such plan, or parts thereof.
85. **Grade, Finish:** Final elevation of the ground surface conforming to the approved grading plans.
86. **Grade, Natural:** Elevation of the natural or undisturbed ground surface prior to any grading operation. Building elevations for purposes of height limitations shall be measured from natural grade.
87. **Grocery Store:** A retail establishment which primarily sells food, but also may sell other convenience and household goods, and which occupies at least five thousand (5,000) square feet but not more than twenty-five thousand (25,000) square feet of gross floor area.
88. **Group Home:** Dwelling unit shared as their primary residence by handicapped, elderly or other persons living together as a single housekeeping unit in which staff persons provide on-site care, meals, supervision, and other support services for the residents. Said facility shall be licensed by the State of Arizona.
89. **Guest House:** Living quarters for immediate family or guests on the premises in an accessory building or attached to the principal residence. A guest house shall not be rented and/or otherwise used for income purposes.

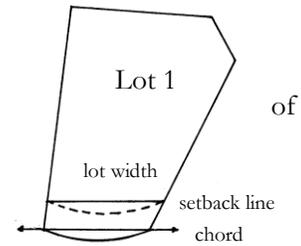
90. **Home Occupation:** A business activity conducted as an accessory use to a dwelling unit.
91. **Hotel:** A building designed for occupancy by persons for which lodging or boarding is provided and offered to the public for compensation and in which ingress and egress to and from all guest rooms are made through an inside lobby or office. A hotel shall customarily provide housekeeping, bellhop, laundry, and on-site recreation services.
92. **Housekeeping Unit:** Any number of related persons living together within a single dwelling unit; provided, however, that it shall not include a group of more than five (5) persons living together who are unrelated by blood, marriage or adoption.
93. **Individual:** Any private individual, tenant, lessee, owner, or any commercial entity including, but not limited to, companies, partnerships, joint ventures or corporations.
94. **Junk Automobile:** Any vehicle missing one or more body parts; or is incapable of operating under its own power; or is missing any wheels; or has missing or severely shattered glass which prohibits safe operation; or has one or more flat tires for a period of seventy-two (72) or more hours.
95. **Junk Yard:** The use of a lot, or portion thereof, for the storage, keeping, baling, packing, disassembly, exchange or handling of, including but not limited to; junk, scrap iron and other metals, paper, rags, rubber tires, bottles, dismantled or wrecked automobiles or other motor vehicles or machinery but does not include uses confined entirely within enclosed buildings.
96. **Kennel:** Any premises in which four (4) or more dogs three (3) months of age or older are kept; or where the business of buying, selling, breeding, grooming, training or boarding of dogs is conducted; does not include veterinary hospitals or humane societies.
97. **Large Retail Establishment:** A retail establishment (store) with any commercial retail uses or combination of such commercial retail uses comprised of greater than twenty-five thousand (25,000) square feet. The twenty-five thousand (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 twenty-five thousand (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.
98. **Licensee:** A person in whose name a license to operate a sexually oriented business has been issued, as well as the individual listed as an applicant on the application for a license; and in the case of an employee, a person in whose name a license has been issued authorizing employment in a sexually oriented business.

99. **Loading Space:** An off-street space or berth on the same lot with a building, or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.
100. **Lot:** A single piece of property located in a recorded subdivision, having frontage on a publicly dedicated and accepted street or a private road approved and accepted by the City, which is described and denoted as such. A lot also includes a parcel of land, shown in the records of the Yuma County Assessor's Office, divided to be used separately from other parcels of property by description, as on a recorded survey map, or by metes and bounds, for purposes of sale, lease, or separate use in a legal manner pursuant to all state, county, and City requirements for the development and proposed use of that property.
101. **Lot Area (net):** The area of a horizontal plane within the lot lines of a lot but not including any area in a public way such as right-of-way, alleys, or easements.
102. **Lot, Corner:** A lot located at the intersection of two (2) or more streets.
103. **Lot Coverage:** The percentage of the area of a lot that is occupied by all buildings or other covered structures using the roof outline for all outer dimensions.
104. **Lot Depth:** The horizontal length of a straight line connecting the midpoints of the front and rear lot lines; and for triangular shaped lots, the shortest horizontal distance between the front lot line and a line within the lot, parallel to and at a maximum distance from the front lot line, having a length of not less than ten (10) feet.
105. **Lot, Interior:** A lot other than a corner lot.
106. **Lot, Key:** A lot adjacent to a corner lot having its side lot line in common with the rear lot line of the corner lot and fronting on the street that forms the side boundary of the corner lot.
107. **Lot Line:** A line dividing one lot from another or from a street or any public place.
108. **Lot Line, Front:** In the case of an interior lot, a line separating the lot from the street right-of-way. In the case of a corner lot, the narrower of the two lot lines adjoining a street right-of-way.
109. **Lot Line, Rear:** A lot line which is opposite and most distant from the front lot line; except that in the absence of a rear lot line as is the case of the triangular shaped lot, the rear lot line may be considered as a line within the lot, parallel to and at a maximum distance from the front lot line, having a length of not less than ten (10) feet.
110. **Lot Line, Side:** The boundary of a lot that is not a front lot line or a rear lot line.
111. **Lot, Through:** A lot having a part of opposite lot lines abutting two (2) streets, and which is not a corner lot, (Also known as a "double frontage lot"). On

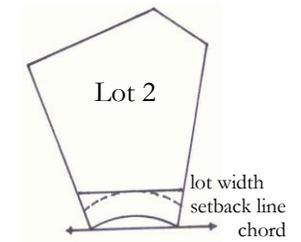
such lot, both lot lines are front, except that where a non-access easement has been established on such a lot, the front lot line shall be considered as that lot line most distant from the lot line containing the non-access easement.

112. **Lot Width:**

a. For rectangular lots, lots having side lot lines not parallel, and lots on the outside the curve of a street, the distance between side lot lines measured at the required minimum front yard setback line on a line parallel to the street or street chord.



b. For lots on the inside of the curve of a street, the distance between side lot lines measured at the required minimum front yard setback line on a line parallel to the street or street chord.



113. **Manufactured Home:** A residential dwelling built in accordance with and certified as a manufactured home under the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976, and the laws of the State of Arizona Office of Manufactured Housing.

114. **Manufactured Home Park (land lease) Development:** A residential development, typified by single ownership of the land within the development, approved pursuant to this Ordinance for placement of manufactured homes used for residential purposes.

115. **Manufactured Home Space:** A plot of ground within a manufactured home park (land lease) development designed for the accommodation of one (1) manufactured home with an annual lease.

116. **Master Plan Development:** A development application which provides information and graphics meeting the requirements of this Ordinance, and an overall master plan meeting the requirements of the Subdivision Ordinance, for the purpose of implementing an integrated development scheme for all phases of the proposed development.

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

118. **Medical Marijuana Dispensary Off-site 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.

119. **Mobile Food Vendor:** A vehicle mounted food service establishment designed to be readily movable. This term includes self-propelled kitchens,

trailer mounted kitchens, and/or any vehicle mounted food service facility where food is composed, compounded, processed, or prepared and/or from which food in any form is sold or given away.

120. **Mobile Home:** A residential dwelling that was fabricated or built prior to enactment of the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976. Mobile Homes are not permitted within the City of San Luis.
121. **Mobile Vendor:** A vehicle mounted establishment designed to be readily movable. This term includes self-propelled units, trailer mounted units, and/or any vehicle mounted facility where goods in any form are sold or given away.
122. **Modular Home:** A structure intended for residential use and manufactured off-site in accord with the Uniform Building Code (UBC) or International Building Code (IBC) as adopted by the City of San Luis. (See Factory-built Building)
123. **Motel:** A building or group of buildings containing guest rooms or rooming units, each of which maintains a separate entrance leading directly from the outside of the building. Such building or group of buildings being designed, intended, or used primarily for the accommodation of automobile travelers, and provide automobile parking conveniently located on the premises. Motels include motor courts, motor lodges and tourist courts, but not mobile home parks or recreational vehicle parks.
124. **Net Acres:** The total acreage of a tract or parcel of land exclusive of the area existing or required for arterial or collector street right-of-way dedications and school/public site reservations. When calculating net acres within a residential P.U.D. any commercial and industrial zoned land must be excluded in addition to those uses previously listed herein.
125. **Net Lot Area:** Is the area of a lot or parcel excluding all dedicated streets, alleys, roadway or alley easements.
126. **Non-conforming Building:** Shall mean a building or portion thereof which was lawful when established but which does not conform to a subsequently established district or district regulations.
127. **Non-conforming Lot:** Shall mean a parcel of land which was lawful when established but which does not conform to a subsequently established district or district regulations and now has less area, frontage or dimensions than required in the district in which it is located.
128. **Non-conforming Use:** A use of land that:
 - a. Legally existed before its current zoning or land use category designation was adopted; and
 - b. Has been maintained continuously since the time the applicable regulations governing the land changed; and

- c. Because of subsequent changes, does not conform to this Ordinance or General Plan provisions that now govern the land.
129. **Nude, Nudity, or a State of Nudity:** The showing of the human male or female genitals, pubic area, vulva, anus, or anal cleft with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple, or the showing of the covered male genitals in a discernibly turgid state.
130. **Nude Model Studio:** Any place where a person who appears in a state of nudity or displays "specified anatomical areas" [a commercial establishment which regularly features a person (or persons) who appears semi-nude and] is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. A Nude Model Studio does not mean a modeling class, or the facility for such class, operated:
- a. By a proprietary school licensed by the State of Arizona; a college, junior college, or university supported entirely or partly by taxation;
 - b. By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation.
131. **Nurseries, Retail:** The use of the land, buildings, or structures for the sales of plant materials, landscape materials, gardening supplies and fertilizer, excluding production of plant materials.
132. **Nursing Home:** A nursing home is an extended health care facility licensed by the Arizona Department of Health Services (Office of Long Term Care Licensing) which provides lodging, meals, personal services, and skilled nursing and medical care on a long-term basis to individuals who, because of advanced age, chronic illness, or infirmity, are unable to care for themselves. They provide long term care services to chronically ill persons, including those with chronic mental illness. Many nursing homes also offer short term rehabilitative services (such as those needed to help people continue to recover from recent hospitalization) and special units for people with Alzheimer's disease or other types of dementia. Nursing Homes are licensed by the Arizona Department of Health Services.
133. **Open Space:** Any parcel or area of land or water, natural or improved and set aside, dedicated, designated, or reserved for the use and enjoyment of all the residents of the development or the public in general. Open space may include water retention/detention areas but does not include vacant or undeveloped lots, bike lanes or sidewalks attached to the back of curb or parking areas/lots.
134. **Open Space, Common:** Open space usable by all people within a certain development and such area is owned in common by all property owners in that development.
135. **Open Space, Natural Area:** Open space areas required for the preservation and conservation of plant and animal life, including habitat for fish and wildlife

species; and areas required for ecological, cultural and other scientific study purposes for long-term public benefit.

136. **Open Space, Public:** An open space area conveyed or otherwise dedicated to a municipality, municipal agency, school district, state or county agency, or other public body for recreational or conservational uses.
137. **Open Space, Usable:** Land which can be actively used by people. This could include landscaped or hardscaped plazas, paseo and promenades, fountains and sitting areas meant to provide an open park like atmosphere. Also playgrounds, golf courses, bicycle trails (but not bike lanes), pedestrian trails (not residential sidewalks), and trail heads. Usable open space does not include parking areas and vacant or undeveloped lots.
138. **Operate or Cause To Be Operated.** To cause to function or to put in a state of doing business. Operator means any person on the premises of a sexually oriented business who is authorized to exercise operational control of the business, or who causes to function or who puts or keeps in operation, the business. A person may be found to be operating or causing to be operated a sexually oriented business regardless of whether that person is an owner, part owner, or licensee of the business.
139. **Outdoor Lighting:** (See Chapter 17)
140. **Outdoor Sales:** The display of products or services, which are intended for retail or wholesale purchase not within a completely enclosed building.
141. **Outdoor Storage:** The location of any goods, wares, merchandise, commodities, junk, debris, or any other item outside of a completely enclosed building for a continuous period longer than twenty-four (24) hours.
142. **Park(s):** A public tract of land that contains a mix of active and passive recreation facilities including tot lots, defined and improved play fields and/or sport court areas, and picnic/seating/shade areas that are landscaped or hardscaped in a pleasing manner.
143. **Park Model Recreational Unit:** A unit built on a single chassis mounted on wheels, or originally mounted on wheels and from which the wheels have been removed, and designed to be connected to utilities necessary for operation of installed fixtures and appliances and has a gross trailer area of not less than three hundred twenty (320) square feet and not more than four hundred (400) square feet when it is set up, except that it does not include fifth wheel trailers.
144. **Person.** An individual, proprietorship, partnership, corporation, association, or other legal entity.
145. **Planned Unit Development (P.U.D.):** A development of a minimum forty (40) or more contiguous acres, as specified by this Ordinance, in which flexibility can be sought in the zoning standards, in order to encourage more creativity and sustainable design, thereby providing usable open space within and about the development and enhancing the residential character of the City.

Planned unit developments shall be subject to Planning Commission and City Council approval.

146. **Plant Nurseries and Greenhouses:** The use of the land, buildings, or structures for the growth and production of flowers, plants and trees for transplanting or sale. It may also include, as accessory to the above activities, the sale of materials commonly used for landscaping purposes, such as soil, rock, bark, mulch and other materials determined by the Zoning Administrator to be landscaping materials.
147. **Principal Use:** The main or primary use on any lot or parcel that establishes the basic land use characteristics of the property, as opposed to an accessory use. In some instances, a property may have more than one (1) principal use.
148. **Produce Stand (Farmers Market):** A temporary open-air stand or place for the seasonal selling of agricultural produce. A produce stand must be portable and capable of being dismantled or removed from the sales site.
149. **Protected Development Right:** The right to undertake and complete the development and use of property under the terms and conditions of a Protected Development Right Plan, without compliance with subsequent changes in zoning regulations and development standards during the term of the Protected Development Right, except as provided by A.R.S.9-1204.
150. **Protected Development Right Plan:** A development plan identified as a Protected Development Right Plan at the time of the landowner's submission, that, if approved by the Council, grants to the landowner a protected development right to undertake and complete development and use of the property as shown thereon for a specified period of time.
151. **Ranch:** Is an area of not less than five (5) contiguous acres used for the keeping of agricultural animals, along with necessary accessory uses and limited crop production. Allowed ranch uses shall include: equine boarding, breeding, training, and lessons; the sale of ranch animals; 4-H and other youth-related activities. Allowed ranch uses do not include: dairies; concentrated animal feeding operations, liveries; the retail sale of hay; feed or tack; or equine activities open to the general public.
152. **Ranch, Commercial:** Is an area not less than ten (10) contiguous acres which may be open to the general public and may be used for: the following equine uses: polo fields; riding arenas used for scheduled public or club events or activities such as barrel racing, bull riding, cutting, gymkhanas, roping, team penning or other rodeo related activities. Commercial ranch uses do not include: dairies; concentrated animal feeding operations, liveries; the retail sale of hay, feed or tack; or livestock auctions. A commercial ranch requires a "Conditional Use Permit".
153. **Recreational Facilities, Indoor:** Establishments providing indoor amusement or recreation. Typical uses include: martial arts studios, billiard and pool halls, electronic and coin-operated game rooms, bowling alleys, skating rinks, and health and fitness establishments.

154. **Recreational Facilities, Outdoor:** Long term facilities providing outdoor amusement and entertainment. Typical uses include miniature golf, skateboard parks, amusement parks, go cart race tracks, and batting cages.
155. **Recreational Vehicle:** A vehicular type of unit forty (40) feet or less in length and eight (8) feet or less in width, primarily designed for temporary living quarters, recreation, camping, or travel use, which either:
 - a. Contains its own motive power as in the case of motor homes, mini-motor homes, or recreational vans;
 - b. Is drawn by another vehicle as in the case of travel trailers, tent trailers, camper trailers, or water craft on boat trailers; or
 - c. Is mounted on another vehicle as in the case of truck campers.
156. **Recreational Vehicle Park:** An integrated development, in accordance with the provisions of this Ordinance, where recreational vehicles are used for temporary residential purposes.
157. **Recreational Vehicle Space:** A parcel of land which is designated and intended for the accommodation of one (1) recreational vehicle on a short term basis.
158. **Regularly Features or Regularly Shown.** A consistent or substantial course of conduct, such that the films or performances exhibited constitute a substantial portion of the films or performances offered as a part of the ongoing business of the sexually oriented business.
159. **Regulatory Flood Elevation:** An elevation one (1) foot above the base flood elevation.
160. **Religious Institution:** A building, together with its accessory buildings, where the principal uses are for religious worship and related activities including meeting hall, administrative offices, private school, and clergy housing.
161. **Relocated Dwelling Units:** Either relocated site built or factory built structures which must meet current I.B.C. or U.B.C. codes for on-site work when placed at the new location. If the structure does not meet I.B.C. or U.B.C. codes, it will not be allowed.
162. **Residential Facility for Developmentally Disabled:** A home in which persons with developmental disabilities live and that is licensed, operated, supported or supervised by the department. As per A.R.S. Section 36-581 et seq., no conditional use permit, zoning variance or other zoning clearance shall be required of a residential facility which serves six or fewer persons which is not required of a single family residence in the same zone. No Residential Facility for the Developmentally Disabled shall be established within a twelve hundred foot (1200”) radius of an existing Residential Facility for the Developmentally Disabled in a residential area.

163. **Resort:** A building or group of buildings containing guest rooms providing outdoor recreational activities such as golf, tennis, horseback riding or swimming for guests. A resort may provide services customarily furnished by a hotel including restaurant, bar and convention facilities. A resort may contain dwelling units in conjunction with guest rooms.
164. **Satellite Dish Antenna:** An antenna designed to receive electromagnetic transmissions from a satellite.
165. **Satellite Earth Station:** A device consisting of an antenna and reflector, having any dimension of more than one and one-half (1½) meters, and is solid or open mesh configured structure used for reception or transmission of radio energy to or from an earth orbit satellite or celestial body.
166. **Semi-Nude or In a Semi-Nude Condition:** The showing of the female breast below a horizontal line across the top of the areola at its highest point or the showing of the male or female buttocks. This definition shall include the entire lower portion of the human breast, but shall not include any portion of the cleavage of the human female breast, exhibited by a dress, blouse, skirt, leotard, bathing suit, or other wearing apparel, provided the areola is not exposed in whole or in part.
167. **Setback:** The minimum required distance between a structure and a property line(s) of a parcel of land or other established reference point.
168. **Sexual Encounter Center:** A business or commercial establishment, that as one of its principal business purposes, offers for any form of consideration: a place where two or more persons may congregate, associate, or consort for the purpose of "specified sexual activities." The definition of sexual encounter center or any sexually oriented businesses shall not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in medically approved and recognized sexual therapy.
169. **Sexually Oriented Business:** This term is synonymous with Adult Oriented Business and means an adult arcade, adult bookstore, adult novelty store, adult cabaret, adult motel, adult theater, adult motion picture theater, adult video store, escort agency, semi-nude model studio, or sexual encounter center. (Article 7-4 Sexually Oriented Businesses of the City of San Luis City Code).
170. **Sign:** (See Chapter 16).
171. **Site Built Dwelling:** A structure or dwelling constructed on the site by craftsmen utilizing materials delivered to the site. Said structure shall consist of footings and foundations poured in place and solidly attached to the walls. Roofing materials, interior and exterior finishes shall be applied on the site. All construction shall be in conformance with all uniform codes in force at the time of construction. This definition does not include relocated site built homes.
172. **Specified Anatomical Areas:** Human genitals in a state of sexual arousal.

- a. The human male genitals in a discernibly turgid state, even if completely and opaquely covered; or
- b. Less than completely and opaquely covered human genitals, pubic region, buttocks, or a female breast below a point immediately above the top of the areola.

173. **Specified Criminal Activity:**

- a. Any one of the following offenses: Prostitution or promotion of prostitution; dissemination of obscenity; sale, distribution, or display of harmful material to a minor; sexual performance by a child; possession or distribution of child pornography; public lewdness; indecent exposure; indecency with a child; engaging in organized criminal activity relating to a sexually oriented business; sexual assault; molestation of a child; distribution of a controlled substance; or any similar offenses to those described above under the criminal or penal code of other states or countries;
- b. For which:
 - (1) Less than two years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a misdemeanor offense;
 - (2) Less than five years have elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date, if the conviction is of a felony offense; or
 - (3) Less than five years have elapsed since the date of the last conviction or the date of release from confinement for the last conviction, whichever is the later date, if the convictions are of two or more misdemeanor offenses or a combination of misdemeanor offenses occurring within any 24 month period.
- c. The fact that a conviction is being appealed shall have no effect on the disqualification of the applicant or a person residing with the applicant.

174. **Specified Sexual Activities:** Any of the following:

- a. The fondling of another person's genitals, pubic region, anus, or female breasts;
- b. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation, or sodomy; or
- c. Excretory functions as part of, or in connection with, any of the activities set forth in subdivisions (1) through (2) above.

175. **Stable, Commercial:** A stable of horses, mules, or ponies, which are bred, hired, shown or boarded on a commercial basis and for compensation. This

facility may offer equestrian lessons and may include a show arena and viewing stands.

176. **Stable, Private:** A detached accessory building for the keeping of horses, mules, or ponies owned by the occupants of the premises and not kept for remuneration, hire or sale.
177. **Street:** An arterial street, collector street or local street.
178. **Street, Arterial:** An arterial street which is identified as a principal arterial street or minor arterial street as classified in the San Luis General Plan. The arterial streets carry most of the trips entering and leaving the urban area, control access, have signalized intersections and restricted parking.
179. **Street, Collector:** A major collector street or minor collector street as classified in the San Luis General Plan. The collector streets provide the traffic movement from the neighborhoods or high-volume traffic generating land uses to the arterial streets.
180. **Street, Local:** A local street permits direct access to abutting lands, traffic movements within neighborhoods, and connections to the collector and arterial street system.
181. **Structural Alterations:** Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any complete rebuilding of the roof or exterior walls.
182. **Structure:** Anything constructed or erected, which requires location on the ground or attached to something having location on the ground.
183. **Substantial Enlargement:** The increase in floor areas occupied by the business by more than 25%, as the floor areas on the date this chapter (Article 7-4 Sexually Oriented Businesses of the City of San Luis City Code).
184. **Telecommunications (wireless communications):** (See Chapter 19).
185. **Tenant Improvements:** The alteration of interior space.
186. **Transfer of Ownership or Control of a Sexually Oriented Business:** Any of the following:
- a. The sale, lease, or sublease of the business; or
 - b. The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange, or similar means; or
 - c. The establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

187. **Travel Plaza/Truck Stop:** Any building, premises, or land in which or upon which a business, service, or industry involving the maintenance, servicing, storage, or repair of commercial vehicles is conducted or rendered, including the dispensing of motor fuel or other petroleum products directly into motor vehicles and the sale of accessories or equipment for trucks and similar commercial vehicles. A travel plaza may also include overnight accommodations and restaurant facilities primarily for the use of truck crews.
188. **Use:** The purpose or activity for which land or buildings are designed, arranged, or intended, or for which land or buildings are occupied or maintained.
189. **Use Permit:** An authorization with appropriate stipulations by the City Council, as set forth in this Ordinance, for the development or use of any property that is subject to such a requirement.
190. **Yard:** Shall mean an open area at grade level between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided in this Ordinance.
191. **Yard, front:** Shall mean an open unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the street line and the front line of the building projected to the side lines of the lot.
192. **Yard, rear:** Shall mean an open space on the same lot with a main building between the rear line of the building and the rear line of the lot extending the full width of the lot. The rear yard shall always be opposite the front yard.
193. **Yard, side:** Shall mean an open unoccupied space on the same lot with a main building situated between the building and the side line of the lot and extending from the front yard to the rear yard. Any lot line not a rear line or a front line shall be deemed a side lot line. An interior side yard is defined as the side yard adjacent to a common lot line.
194. **Zone:** A district classification established by The Zoning Ordinance of the City of San Luis that limits or permits various and specific uses.
195. **Zoning Administrator:** The staff/official responsible for the enforcement and interpretation of the Zoning Ordinance.
196. **Zoning Clearance:** The approval by the Zoning Administrator of a plan that is in conformance with the Zoning Ordinance of the City of San Luis.
197. **Zoning District:** A zone area in which the same zoning regulations apply throughout the district.
198. **Zoning Ordinance:** The Zoning Ordinance of the City of San Luis.

Article 2-6, Chapter 2 - Administration

Section 2.0 City Council. The Mayor and City Council (“Council”) shall have the following powers and duties, pursuant to the terms of this Ordinance:

- A.** To hear, review and consider recommendations of the Planning and Zoning Commission on zoning applications and appeals, in accordance with the provisions of this Ordinance.
- B.** To initiate, hear, review and adopt amendments to the Zoning District Map after recommendation by the Planning and Zoning Commission in accordance with the provisions of this Ordinance.
- C.** To initiate, hear, review and adopt amendments to the text of this Ordinance after the recommendation by the Planning and Zoning Commission, in accordance with the provisions of this Ordinance.
- D.** To initiate, adopt, and amend the General Plan; including the text, maps and exhibits, and all elements of the General Plan, after recommendation by the Planning and Zoning Commission in accordance with the provisions of this Ordinance.
- E.** To take such action not expressly delegated exclusively to the Zoning Administrator, the Planning and Zoning Commission, or the Board of Adjustment as the City Council may deem desirable and necessary to implement the provisions of this Ordinance and the General Plan.

Section 2.1 Planning and Zoning Commission.

- A. Establishment.** There is hereby established, pursuant to Arizona Revised Statutes A.R.S. §9-461.01 et seq., a planning agency known as the City of San Luis Planning and Zoning Commission (“Commission”).
- B. Powers.** The Commission is the planning agency for the City and has the powers to enable it to fulfill its planning function, in accordance with the Arizona Revised Statutes. The Commission shall provide an advisory function to assist the City Council in making decisions pertaining to amendments to the General Plan and this Ordinance, and applications for development approval. In no event is the Commission authorized to render a final decision approving, denying, or conditionally approving a change in the Zoning Ordinance or General Plan, or to render a final decision on an application for development approval; except as otherwise authorized in this section of the Ordinance.
- C. Duties.** In addition to any authority granted to the Commission by Arizona law, this Ordinance or by other ordinances of the City, the Commission shall have the following powers and duties:
 - 1. To hold public hearings when necessary or when required by law.

2. To initiate, hear, review, and make recommendations to the City Council regarding applications for amendments to the General Plan or Area Specific Plans, in accordance with the provisions of this Ordinance. On an annual basis, review and make recommendations to the Mayor and Council concerning the General Plan as well as plans for the development of any land outside the City's planning area, which in the opinion of the Commission, is substantially related to the planning of the city.
3. To make recommendations to the City Council on all matters concerning or relating to the creation of Zoning Ordinances, the Zoning District Map, the boundaries thereof, the appropriate regulations to be enforced therein, and amendments of this Ordinance, and to undertake any other activities usually associated therewith and commonly known as "planning and zoning".
4. To initiate, hear and review applications for amendments to either the Zoning District Map and/or the text of this Ordinance, in accordance with the provisions of this Ordinance.
5. To serve as the advisory body to the City Council on such matters as applications for protected development rights plans, subdivision final plats, and any other permit or review process in accordance with the provisions of this Ordinance.
6. To hear, review and make recommendations to the City Council on conditional use permits.
7. To hear, review and decide on subdivision preliminary plats in accordance with the provisions of the City's Subdivision Ordinance.
8. To confer and advise with other town, city, county, regional, or state planning agencies and commissions.

D. Membership. The Commission shall consist of seven (7) members, all residents of the City, who shall be appointed by, and serve at the pleasure of, the City Council.

E. Term of Office. The term of office of the members of the Commission shall be four (4) years, with the terms of members so staggered that the terms of no more than three (3) members shall expire on Jan 31st in any one-year. The incumbent Commissioner shall continue to serve, after their term of office has expired, until a successor has been appointed. In the event of a death, resignation, or removal from the Commission, a resident appointed by the City Council shall fill the vacancy, for the un-expired term.

F. Nonattendance. Three (3) successive unexcused absences from any regular or special meeting shall be grounds for termination at the will and pleasure of the City Council without the necessity of a hearing or notice, and such action shall be final and the position shall thereupon be declared vacant.

G. Organization.

1. Officers. A member must have served on the Commission for a period of one (1) year prior to being eligible to serve as an officer. The Commission shall elect a chairperson and vice-chairperson from among its own members at its

first meeting in January each year. The chairperson shall preside at all meetings and shall take such actions as necessary to preserve order and the integrity of all proceedings before the Commission. The vice-chairperson shall perform the duties of the chairperson in the latter's absence or disability.

2. Meetings. Meetings of the Commission shall be open to the public. Public input shall be permitted in public meetings on matters before the Commission. The minutes of the proceedings, showing the vote of each member and records of its examinations and other official actions, shall be kept and filed in the office of the City Clerk as a public record.
3. Quorum. Four (4) members of the Commission shall constitute a quorum for the transaction of business. No matter may be considered by the Commission unless there are four (4) or more members present who are eligible/qualified to vote on the matter. The affirmative vote of four (4) members shall be required to pass a motion. If a member has been present for the entire presentation of an issue that member may abstain from voting only because they have a conflict of interest. If a member has a conflict of interest, he/she shall declare said conflict of interest prior to the presentation and shall abstain from all discussion and deliberation on the matter in question.
4. Rules and Regulations. The Commission may make and publish by-laws to govern its proceedings and to provide for its meetings. The by-laws are to be reviewed by the City Attorney and approved by the City Council.

Section 2.2 Board of Adjustment.

- A. **Establishment.** There is hereby established, pursuant to Arizona Revised Statutes A.R.S. §9-462.06 et seq., a City of San Luis Board of Adjustment ("Board"). In lieu of appointing a separate Board of Adjustment, the Mayor, with the consent of the City Council, may establish the City Council as the Board of Adjustment.
- B. **Powers and Duties.** In addition to any authority granted to the Board of Adjustment by Arizona law, the Board shall have the following powers and duties:
 1. To hear and decide appeals in which it is alleged that there is an error in an order, requirement or decision made by the Zoning Administrator in the enforcement of this Ordinance. This power shall include the power to reverse, affirm, or modify, wholly or partly, any order, requirement or decision of the Zoning Administrator properly appealed to the Board, and make such order, requirement, decision or determination as is necessary.
 2. To hear and decide requests for variances from the terms of this Zoning Ordinance, only if, because of special circumstances applicable to the property, including its size, shape, topography, location, or surroundings, the strict application of the Zoning Ordinance will deprive such property of privileges enjoyed by other property of the same classification in the same zoning district. Any variance granted is subject to such conditions as will assure that the adjustment authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the same zoning district in which such property is located.

3. A variance from the terms of this Ordinance may only be granted, upon the presentation of evidence demonstrating that the specific requirements established by State Statutes have been satisfied:
 - a. There exists special circumstances or conditions regarding the land or building for which the variance or adjustment is sought, which do not apply generally to other land or buildings in the same zoning district; and
 - b. The above special circumstances or conditions are preexisting and are not created or self-imposed; and
 - c. The variance is necessary for the preservation of substantial property rights. Without a variance the property cannot be used for purposes otherwise allowed in the same zoning district and the variance or adjustment, as granted, is the minimum adjustment that will accomplish this purpose; and
 - d. The granting of the adjustment will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, or to the neighborhood or the public welfare.
4. The Board of Adjustment may not:
 - a. Make any changes in the uses permitted in any zoning classification or zoning district, or make any changes in the terms of the zoning ordinance, provided the restrictions in this paragraph shall not affect the authority to grant variances pursuant to State Statutes.
 - b. Grant a variance if the special circumstances applicable to the property are self-imposed by the property owner

C. Membership. The Board shall consist of seven (7) members who shall be residents of the City of San Luis. All members shall be appointed by, and serve at the pleasure of, the City Council.

D. Term of Office. Whenever the City Council is not serving as the Board, the term of office of the members of the Board shall be four (4) years, with the terms of members so staggered that the terms of no more than three (3) members shall expire on January 1st in any one-year. The incumbent member shall continue to serve, after their term of office has expired, until a successor has been appointed. In the event of a death, resignation, or removal from the Board, the City Council shall fill the vacancy for the un-expired term.

E. Nonattendance. Three (3) successive unexcused absences from any regular meeting shall be grounds for termination at the will and pleasure of the City Council without the necessity of a hearing or notice, and such action shall be final and the position shall thereupon be declared vacant.

F. Organization of Board of Adjustment.

1. Chairpersons. Whenever the City Council is serving as the Board, the Mayor and Vice Mayor shall serve as the chairperson and vice-chairperson respectively. Otherwise, the Board shall elect a chairperson and a vice-chairperson from the members of the Board at the first meeting held in each calendar year. The chairperson shall preside at all meetings, administer oaths and take evidence. The vice-chairperson shall perform the duties of the chairperson in the latter's absence or disability.
2. Meetings. Meetings of the Board of Adjustment will be called as needed by the Chair of the Board. Meetings of the Board shall be open to the public and public input shall be taken at the discretion of the chairman. The minutes of the proceedings, showing the votes of each member and records of it examinations and other official actions, shall be kept and filed in the office of the City Clerk as a public record.
3. Quorum. Four (4) members of the Board shall constitute a quorum for the transaction of business. No matter may be considered by the Board unless there are four (4) or more members present who are eligible/qualified to vote on the matter. The affirmative vote of at least the majority of the quorum present and voting shall be required to pass a motion. If a member has been present for the entire presentation of an issue that member may abstain from voting only because they have a conflict of interest. If a member has a conflict of interest he/she shall declare said conflict of interest prior to the presentation and shall abstain from all discussion and deliberation on the matter in question.
4. Rules and Regulations. The Board may make and publish by-laws to govern its proceedings and to provide for its meetings. The by-laws are to be reviewed by the City Attorney and approved by the City Council.

- G. Appeals of Board of Adjustment Decision.** A person aggrieved by a decision of the Board of Adjustment or an officer or department of the City of San Luis affected by a decision of the Board may at any time within thirty (30) days after the Board has rendered its decision, file a complaint for special action in Superior Court to review the Board's decision.

Section 2.3 Zoning Administrator.

- A. Establishment.** Pursuant to A.R.S. § 9-462 the staff position of Zoning Administrator is hereby established for the general and specific administration of this Ordinance. The Zoning Administrator is charged with the enforcement of this Ordinance. During any period that the position of Zoning Administrator is vacant, the City Manager or his/her designated representative shall perform the duties of the Zoning Administrator.
- B. Powers.** The Zoning Administrator shall possess all powers of a Zoning Administrator under this Ordinance and Arizona Law and shall perform such duties as are set forth under the direction of the City Manager.
- C. Duties of the Zoning Administrator.** The Zoning Administrator shall have the following duties:

1. To establish rules, procedures and forms to provide for processing of applications or requests for action under the provisions of this Ordinance.
2. Accomplish all administrative actions required by this Ordinance, including the giving of notice, scheduling of hearings, preparation of reports, receiving and processing appeals, and the acceptance and accounting of fees, as provided in other provisions of this Ordinance.
3. To review and either approve or reject applications for temporary use permits, site plan reviews, minor lot splits, and minor variances as provided in other provisions of this Ordinance.
4. Pursuant to Arizona Revised Statutes A.R.S. §9-462.06 (A), and if delegated by the Council to act in the capacity as Hearing Officer, to hear and decide on matters within the jurisdiction of the Board of Adjustment.
5. To provide advice and recommendations to the Planning and Zoning Commission, the Board of Adjustment, and the City Council with respect to applications and requests for approvals and permits required by this Ordinance.
6. To assure that any development or use proceed only in accordance to the terms, conditions, or requirements as established by the City's Board(s), Commission or Council as a term, condition, or requirement of development and/or permit approval.
7. To direct such inspections, observations and analysis of any and all erection, construction, reconstruction, alteration, repair or use of buildings, structures or land within the City as is necessary to fulfill the purposes and procedures set forth in this Ordinance. No building shall be occupied until such time as the Zoning Administrator has issued a letter of compliance with this Ordinance or countersigned the Certificate of Occupancy as issued by the Building Official.
8. To take such action as is necessary for the enforcement of this Ordinance with respect to any violations of the Ordinance.
9. Interpret the Zoning Ordinance to the public, city departments, and other branches of government, subject to the supervision of the City Manager and general or specific policies established by the City Council.
10. Undertake preliminary discussions with and provide non-legal advice to applicants requesting zoning adjustment action.
11. Determine the location of any district boundary shown on the Zoning Map adopted as part of this Ordinance when such location is in dispute.
12. The Zoning Administrator may, due to the complexity of any matter, unless otherwise noted herein, refer a permit application to the Planning and Zoning Commission for recommendation.
13. Determine other permitted uses and conditional uses consistent with the purpose of each specific Zoning District.

14. The Zoning Administrator or his/her designee shall be responsible for conducting the “Citizen Review” meetings when required by Sec. 3.0 (C) of this Ordinance.
15. To allow an opportunity for staff input and proper evaluation, all requests for action by the Planning and Zoning Commission, or Board of Adjustment, shall be filed with the Zoning Administrator. All requests shall be in a form required by the Zoning Administrator and in a manner provided in this Ordinance or in rules or regulations approved by resolution of the City Council.

D. Limitations of the Zoning Administrator. The Zoning Administrator may not make any changes in the terms of the Zoning Ordinance.

E. Appeals.

1. Any person aggrieved or affected by a decision of the Zoning Administrator may appeal to the Board of Adjustment, by filing a written request with the Zoning Administrator. Upon receiving a written appeal, the Zoning Administrator shall transmit to the Board of Adjustment all papers and pertinent data related to the appeal.
2. An appeal under this section must be filed within ten (10) working days from the date the Zoning Administrator has notified the applicant, in writing, of his/her decision. If no appeal is filed within the time specified the decision of the Zoning Administrator shall be final.
3. Stay of Proceedings. An appeal to the Board of Adjustment stays all proceedings in the matter appealed from, unless the Zoning Administrator certifies to the Board that, based on the facts stated, a stay would cause imminent peril to life or property. Upon such certification, proceedings shall not be stayed except by restraining order granted by the Board or by a court of record on application and notice to the Zoning Administrator. Proceedings shall not be stayed if the appeal requests relief, which has previously been denied by the Board except pursuant to a special action in Superior Court as provided for in state law.

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Article 2-6, Chapter 3 - Zoning Procedures

Section 3.0 General Procedural Requirements.

- A. Application Process.** The purpose of this chapter is to provide procedures for the various requests for amendments to the text of this Ordinance, amendments to the Official Zoning Map(s), Use Permits, Variances and Appeals, Site Plan Review, Specific Area Plans, and General Plan Amendments. The specific procedures followed in reviewing the various applications differ. The procedures for all applications have three common elements: (1) submittal of a completed City application, including required fee payment along with appropriate information; (2) review of the submittal by appropriate City staff, agencies, Commission, and Boards; and (3) action to approve, approve with conditions, or deny the application. In order to have an application accepted by the City the applicant shall progress through the following steps.
1. Pre-application Conference. The applicant may be required to meet with the Zoning Administrator to discuss the nature of the proposed application, the specific submittal requirements, the procedure for action, and the standards for evaluation of the application.
 2. Sketch Plan. The applicant shall provide the Zoning Administrator with a sketch plan at the time of the pre-application conference. A sketch plan shall, at a minimum, depict the boundaries of the property being considered and a tentative development proposal for the property.
 3. Formal Submittal. The applicant shall submit all of the required materials to the Zoning Administrator. Only complete applications/submittal packages shall be accepted.
- B. Notice Provisions.** The notice requirements for each type of application for development approval are prescribed in the individual sub-sections of this Chapter. When the Zoning Administrator determines that a development application/submittal package is complete, the Zoning Administrator shall cause the public notice of the hearing to be made at the expense of the applicant.
- C. Citizen Review Process.** In accordance with A.R.S. §9-462.03, prior to the Planning and Zoning Commission public hearing, all rezoning and specific plan application(s) that require a public hearing must first be presented to the public at a “Citizen Review” public meeting. The Zoning Administrator shall be responsible for conducting the Citizen Review meeting. Said meeting shall be held at least one (1) week prior to the scheduled Planning and Zoning Commission meeting at which the application will be presented. The purpose of the citizen review meeting is to provide adjacent landowners and other potentially affected citizens an opportunity to ask questions and express any issues or concerns that they may have with the proposed rezoning or specific plan application prior to the public hearing. The City will mail notice of the meeting which shall state the date, time, and place of the meeting and shall include a general explanation of the application.
- D. Planning and Zoning Commission.** The Planning and Zoning Commission shall hold regularly scheduled public hearings to receive and review public input on those

items required by this Ordinance. On those items where the Commission has review authority only, the Commission shall make a recommendation to the City Council that the Council: 1) approve; 2) approve with conditions; or 3) deny the application. The Commission's recommendations and actions shall be based on consideration of the following evidence and analysis including, but not limited to, all of the following:

1. Conformance with this Ordinance, and adopted City standards and policies;
2. Compliance with the City of San Luis General Plan and other adopted Specific Area Plans;
3. Staff recommendations;
4. Outside reviewing agency input;
5. Public input and testimony received during the Citizen Review session and at the Commission hearing; and
6. Overall effects of the proposal on the neighborhood, area, and community-at-large.

E. City Council. The City Council shall hold public hearings, to act upon those items as required by this Ordinance, at their regularly scheduled meetings. The City Council shall decide whether or not to: 1) approve; 2) approve with conditions; or 3) deny an application. Action on those items heard will be based on consideration of evidence presented including, but not limited to, all of the following:

1. Planning and Zoning Commission recommendations;
2. Conformance with this Ordinance, and adopted City standards and policies;
3. Compliance with the City of San Luis General Plan, and other adopted Specific Area Plans;
4. Staff recommendations;
5. Outside reviewing agency input;
6. Public input and testimony received at the Commission hearing as well as the Council's hearing; and
7. Overall effects of the proposal on the neighborhood, area, and community-at-large.

F. Scope of Action. The reviewing body may take any action on the application that is consistent with the notice given, including approval of the application, conditional approval of the application or denial of the application. The reviewing body may allow amendments to the application if the effect of the amendments is to allow a less intense change than that requested on the original application or to reduce the impact of the development or to reduce the amount of land involved from that indicated in the notices of the hearing. The reviewing body shall not, in any case, permit a greater amount of development, or a use falling in a different general use category, or a larger

land area than indicated in the original application, or a greater variance than was indicated in the notice.

- G. Records.** The City shall provide for minutes to be written and retained, shall record the evidence submitted, all staff and advisory board reports and/or recommendations, and shall include a summary of the consideration and the action of the Commission, Board, and Council. All such records shall be public records, open for inspection at reasonable times and upon reasonable notice. Public records are to be retained in accordance with A.R.S. public retention requirements.

Section 3.1 Notification for Public Hearings.

- A.** Notification of public hearing(s) required for zoning text amendments and zoning amendments (rezoning) shall be subject to notice requirements as set forth in A.R.S. §9-462.04 and herein described. Any changes to Arizona Law notice requirements shall have control over this provision in the manner of providing notice.

Notice of the date, time, and place of the hearing including a general explanation of the matter to be considered and including a general description of the area affected shall be given at least fifteen (15) days before the hearing in the following manner:

1. The notice shall be published at least once in a newspaper of general circulation published or circulated in the City of San Luis, or if there is none, it shall be posted on the affected property in such a manner as to be legible from the public right-of-way and in at least ten (10) public places in the City. A posted notice shall be printed so that the following are visible from a distance of one hundred (100) feet: (1) the word “zoning,” (2) the present zoning district classification, (3) the proposed zoning district classification and (4) the date and time of the public hearing.
2. In proceedings involving rezoning of land, which abuts other municipalities or unincorporated areas of the county or a combination thereof, copies of the notice of public hearing shall be transmitted to the planning agency of such governmental unit abutting such land. In addition to notice by publication, the City may give notice of the hearing in such other manner as it may deem necessary or desirable.
3. In proceedings that are not initiated by the property owner involving rezoning of land which may change the zoning classification, notice by first class mail shall be sent to each real property owner, as shown on the last assessment of the property, of the area to be rezoned. In all rezoning proceedings, notice by first class mail shall be sent to all property owners, as shown on the last assessment of the property, within three hundred (300) feet of the property to be rezoned.
4. In proceedings involving one or more of the following proposed changes or related series of changes in the standards governing land uses, notice shall be provided in the manner prescribed by paragraph 5 of this section:
 - a. A ten percent (10%) or more increase or decrease in the number of square feet or units that may be developed.

- b. A ten percent (10%) or more increase or reduction in the allowable height of buildings.
 - c. An increase or reduction in the allowable number of stories of buildings.
 - d. A ten percent (10%) or more increase or decrease in setback or open space requirements.
 - e. An increase or reduction in permitted uses.
5. In proceedings governed by paragraph 4 of this subsection, the City shall provide notice to real property owners pursuant to at least one of the following notification procedures:
- a. Notice shall be sent by first class mail to each real property owner, as shown on the last assessment, whose real property is directly governed by the changes.
 - b. If the City issues utility bills or other mass mailings that periodically include notices or other informational or advertising materials, the City shall include notice of such changes with such utility bills or other mailings.
 - c. The City shall publish such changes prior to the first public hearing on such changes in a newspaper of general circulation in the City. The changes shall be published in a "display ad" covering not less the one-eighth (1/8) of a full page.
6. If notice is provided pursuant to subparagraphs 5 (b) or 5 (c) of this subsection the City shall also send notice by first class mail to persons who register their names and addresses with the City as being interested in receiving such notice. The City may charge a fee not to exceed five (5) dollars per year for providing this service and may adopt procedures to implement this provision.
7. Notwithstanding the notice requirements set forth in paragraph 5 of this section, the failure of any person or entity to receive notice, whether through no fault of the City, applicant or USPS, shall not constitute grounds for any court to invalidate the actions of the City for which the notice was given.
- B.** Notification for conditional use permits shall also follow the requirements set forth in A.R.S. §9-462.04 as described above.
- C.** Notification for variance requests shall follow the requirements set forth in A.R.S. §9-462.06.

Section 3.2 Zoning Text Amendment and Zoning Map Changes.

- A. Purpose.** In accordance with the provisions of Arizona Law, the City Council may from time to time adopt text amendments to this Ordinance and/or amend the Official

Zoning Map(s). Any person, City staff, Commission or City Council may bring about amendments to the text of the Zoning Ordinance. Only the landowner, City staff, Commission or City Council may bring about amendments to the Zoning Map.

- B. Pre-Application.** Before the City accepts any applications, the petitioner may schedule and attend a pre-application meeting. The purpose of the pre-application meeting is to discuss, in general, the procedures and requirements for either a zoning text amendment or a zoning change (rezoning) pursuant to these regulations.
- C. Application.** All applications shall be filed on a form provided by the Zoning Administrator and shall be accompanied by the required fee and all required materials as outlined in this Ordinance and/or on the application. Depending upon the specifics of the amendment or rezoning, additional materials or studies may be required by the City in order to adequately review the application.
- D. Initiation of Ordinance Text Amendment.** Any person may request an amendment of the text of the Ordinance, after a pre-application meeting is held, by filing a completed application and submitting the required fee with the City. The application must state the exact section of this Ordinance proposed for amendment, the proposed substitute wording, and the reasons for requesting the amendment. Graphic material should also be submitted if it would assist in understanding the benefits of the amendment.
- E. Initiation of a Zoning Map Change (Rezoning).** An owner of real property within the City, or that owner's authorized representative, may, upon proof of ownership, apply for a change in zoning district boundaries (rezoning) for that landowner's property. The Commission or the City Council, on its own motion at a public meeting, may initiate such amendments. In the case where the rezoning application filed by a private property owner includes other property, in addition to that owned by the petitioner, the application shall include the signatures of the real property owners representing at least seventy-five (75%) percent of the land in the area proposed to be changed.
- F. Submittal Requirements.** All zoning map changes (rezoning) applications shall comply with the submittal requirements outlined herein and those on the application:

 - 1. A map showing the particular property or properties for which the rezoning application is being requested and the adjacent properties, buildings and structures, land uses, and public streets and ways within a radius of three hundred (300) feet of the exterior boundaries thereof.
 - 2. A detailed land use/development plan at a scale of one inch equals one hundred feet (1"=100 ft.) which at a minimum shall include the following:

 - a. A site plan drawn to scale and in such a manner as to indicate clearly and precisely what is planned for the subject property including the location and arrangement of all proposed uses.
 - b. The location, arrangement and dimensions of all proposed lots.
 - c. Topography showing existing and proposed grades and drainage systems, and natural and manmade features with indication as to which are being retained and which are to be altered or removed.

- d. All buildings and structures existing and proposed.
 - e. Proposed block layout, street system, street dedications, improvements and utility plans.
 - f. The traffic and the pedestrian circulation system, including the location and width of all streets, driveways, entrances to parking areas and parking structures, walkways and bicycle paths.
 - g. Off-street parking facilities including number of spaces and dimensions of parking area, loading bays and service access drives and landscaping for the parking areas.
 - h. The amount of open space provided, the location and type of open space, the proposed reservation for parks, parkways, playgrounds, recreation areas, pedestrian access and other open space.
 - i. Proposed landscaping including; size, type and location; the native vegetation that will be salvaged; walls and fences; outdoor lighting; signs; and outdoor storage and activities.
3. The City reserves the right to waive some of the above submittal material if found to be unnecessary for a particular application. Conversely, the City reserves the right to require additional information and material, and to require the submission of studies in order to adequately review the request. Additional submittal requirements may be required for an Overlay Zoning District or a Planned Unit Development Zoning District and, if applicable, may be found in the specific Chapter addressing these types of developments herein.

G. Procedures. All zoning map changes (rezoning) and text amendment applications shall be processed in the manner outlined herein.

1. A pre-application conference may be scheduled and attended by the applicant with the Zoning Administrator to discuss the proposal.
2. The petitioner shall submit a completed application, the required fees, and all materials and studies related to the development plan or the proposed text amendment.
3. Once the Zoning Administrator has determined that the application package is complete and all necessary information has been submitted, the application will be forwarded to the appropriate reviewing agencies and City Departments for comments and a public hearing will be scheduled.
4. As a prerequisite to the Commission public hearing, the application must first be presented to the public at the "Citizen Review" meeting, conducted by the Zoning Administrator, in accordance with the provisions outlined in Sec. 3.0(C) of this Ordinance. The Citizen Review meeting is only required for applications involving a zoning ordinance that changes any property from one zone to another, that imposes any regulation not previously imposed or that removes or modifies any such regulation previously imposed, and/or an application for a

specific plan.

5. The Commission, in accordance with the requirements of A.R.S. §9-462.04, shall conduct a public hearing. Notification of the public hearing shall be provided as set forth in A.R.S. §9-462.04 and Sec. 3.1 of this Ordinance.
 6. The Commission shall render a decision in the form of a written recommendation for: 1) approval, 2) approval with conditions, or 3) denial of the petitioned rezoning or zoning text amendment. The recommendation shall then be forwarded to the Mayor and Council unless withdrawn in writing by the applicant.
 7. The City Council shall: 1) approve, 2) approve with conditions, or 3) deny the rezoning or zoning text amendment request. Approval of a petition to rezone land may not be enacted as an emergency measure and the rezoning shall not become effective for at least 30 days after City Council approval.
 8. When an application for rezoning is accompanied by an application for a conditional use permit or subdivision plat approval, both applications may be processed and reviewed concurrently. If the proposed rezoning is not in compliance with the City of San Luis General Plan - Land Use Plan, an application for an amendment to the Land Use Plan shall be submitted by the applicant in accordance with A.R.S. §9-461.06, the City of San Luis General Plan, and Sec. 3.8 of this Ordinance.
- H. Protest.** A super majority of City Council votes, three-fourths (3/4), as prescribed by A.R.S. § 9-462.04, shall be required if a protest petition is filed in accordance with said statute. The protest petition shall be filed in writing with the City Clerk at or before noon on the date of the City Council hearing.
- I. Subsequent Applications.** In the event that an application for amendment is denied by the City Council or that the application is withdrawn after the Commission hearing, the Commission shall not accept another application for the same amendment within twelve (12) months of the original hearing unless agreed to by a super majority three-fourths (3/4) vote of the Commission.
- J. Reversion of Zoning.** The City may approve a change of zone conditioned upon a schedule for development of the specific use or uses for which rezoning is requested. If at the expiration of this period the property has not been improved for the use for which it was conditionally approved, the City, after notification by certified mail to the owner and applicant who requested the rezoning, may schedule a public hearing before the City Council to take administrative action to extend, remove or determine compliance with the schedule for development or take legislative action to cause the property to revert to its former zoning classification.

Section. 3.3 Conditional Use Permits.

- A. Purpose.** Conditional uses are those uses which are generally compatible with the land uses permitted by right in a zoning district, but which require individual review of their location, design and configuration and the imposition of conditions in order to ensure the appropriateness of the use at a particular location within a given zoning district.

- B. Pre-Application.** Before the City shall accept any applications, the applicant may schedule and attend a pre-application meeting. The purpose of the pre-application meeting is to discuss, in general, the procedures and requirements for a conditional use permit pursuant to these regulations.
- C. Application.**
1. Only those uses that are enumerated as conditional uses in a zoning district, as set forth in this Ordinance, shall be authorized by the Planning and Zoning Commission. A conditional use permit shall not be required for a use allowed as a permitted use in a given zoning district. No conditional use shall be established until a site plan has been approved in accordance with the provisions of this Chapter.
 2. All applications shall be filed on a form provided by the Zoning Administrator and shall be accompanied by the required fee and all required materials as outlined in this Ordinance and/or on the application. Depending upon the specific circumstances of the use additional materials may be required by the City in order to adequately review the application.
- D. Submittal Requirements.** All conditional use permit applications shall comply with the submittal requirements outlined in Sec. 3.2 (F) of this Ordinance and those on the application.
- E. Procedures.** All conditional use permits shall be processed in the same manner and in accordance with the procedures outlined in Sec. 3.2 (G). of this Ordinance.
- F. Approval Criteria.** As may be specified within each zoning district, uses permitted subject to a conditional use permit shall be permitted only after review and approved by the Commission and only if the applicant demonstrates that:
1. The proposed conditional use shall be in compliance with all regulations of the applicable zoning district, design standards, or general provision requirements of this Ordinance.
 2. The establishment, maintenance, or operation of the proposed use shall not be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the surrounding land nor be noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas.
 3. The proposed use shall not be materially injurious to properties or improvements nor diminish or impair property values in the immediate vicinity.
 4. The proposed use will be served by ingress and egress routes that minimize traffic congestion, shall not burden the existing and anticipated traffic conditions including parking facilities on adjacent streets and land, and will be served by adequate public utilities.
 5. The proposed use shall not impede the normal and orderly development and improvement of surrounding property for uses permitted by right in the zoning district and shall be in compliance with the City of San Luis General Plan

adopted by the City.

6. The proposed use is necessary or desirable or provides a service or facility that contributes to the general well being of the area.
7. The proposed use shall not create more adverse impacts on existing uses in the surrounding areas than those which reasonably might result from development of the site with a use that is permitted by right in the zoning district.

G. Validity Limit.

1. Approval shall become effective immediately.
2. The Conditional Use Permit shall become null and void if the use permit has not been exercised and the use established within twelve (12) months of the date of approval. A Conditional Use Permit is exercised when the use has been established or when a building permit has been issued, construction commenced, and the building permit remains valid.
3. If such use is abandoned or discontinued for a period of twenty-four (24) consecutive months, it may not be re-established unless reauthorized by the Commission.
4. Amendments to Conditional Use Permits shall be processed in the same manner as the original permit, except that minor amendments may be authorized by the Zoning Administrator.
5. If an application is denied, the denial shall constitute a finding that the applicant has not shown that the conditions required for approval do exist. No application for a Conditional Use Permit which has been denied wholly or in part shall be resubmitted for a period of twelve (12) months from the date of said order of denial, unless agreed to by a super majority three-fourths (3/4) vote of the Commission.

Section. 3.4 Temporary Use Permits.

- A. Purpose.** The Temporary Use Permit is a mechanism by which the City may allow a use to locate within the City on a short-term basis and by which it may allow seasonal or transient uses not otherwise allowed. Permanent structures shall not be permitted under a temporary use permit. Permissible temporary uses are those delineated within the individual zoning districts of this Ordinance. Prior to conducting or establishing a temporary use, a Temporary Use Permit must be approved and secured from the City of San Luis Zoning Administrator.
- B. Pre-Application.** Before the City shall accept any applications, the applicant may schedule and attend a pre-application meeting. The purpose of the pre-application meeting is to discuss, in general, the procedures and requirements for a temporary use permit pursuant to these regulations.
- C. Application.**

1. All applications shall be filed with the Zoning Administrator on a form provided by the City and shall be accompanied by the required fee and all required materials as outlined in this Ordinance and/or on the application. Depending upon the specific circumstances of the temporary use additional materials may be required by the City in order to adequately review the application. Only complete applications shall be accepted.
2. Every temporary use permit issued shall be applicable only to the specific use, specific person, entity or organization, and to the specific property for which it is issued.
3. Approval of the Temporary Use Permit by the City does not waive any other County or State approvals that may be required.

D. Submittal Requirements. All temporary use permit applications shall comply with the submittal requirements as outlined on the application form obtained from the City and shall be submitted to the Zoning Administrator not less than 15 days nor more than 30 days prior to the desired start date of the Temporary Use Permit.

E. Procedures.

1. The Zoning Administrator shall review the application in accordance with the criteria outlined below in Sec 3.4 (F.) of this Ordinance. The Zoning Administrator shall solicit review comments in accordance with general review procedures.
2. The Zoning Administrator shall not approve or modify and approve an application for a Temporary Use Permit unless the following criteria, specific regulations, and time limitations are met.
3. If the Zoning Administrator denies the Temporary Use Permit, the applicant may appeal the Administrators' decision to the Board of Adjustment.

F. Approval Criteria. The Zoning Administrator or, upon appeal, the Board of Adjustment shall have the authority to require such reasonable conditions as necessary to protect the public health, safety and general welfare and to ensure that the use, value and qualities of the neighborhood surrounding the proposed location will not be adversely affected. Approval shall be based on the review of the following criteria:

1. Traffic: The location of the temporary use and any temporary structure is such that adverse effects on surrounding properties will be minimal with regards to the type of traffic generated, the amount of traffic generated, or the impact upon the traffic circulation in the area.
2. Parking and Access: Adequate off-street parking will be provided to serve the use without displacing the required off-street parking spaces or loading areas of the principal permitted use on the site. The entrance and exit drives will be designed to prevent traffic hazards and nuisances.
3. Signage: Signage for temporary uses shall only be displayed within the time frame for which the Temporary Use Permit is valid and only with a sign permit issued in accordance with this Ordinance.

4. Number on Parcel: Only one (1) Temporary Use Permit shall be permitted per parcel or lot at any given time.

G. Validity Limit.

1. The Temporary Use Permit shall be valid for the use for which the permit was granted for the length of time indicated on the permit as long as the use is in compliance with the conditions of approval and other applicable ordinances.
2. A Temporary Use Permit for a temporary structure shall be limited to a period of time not to exceed six (6) months from the date of approval unless otherwise outlined in this Ordinance. The Temporary Use Permit may be renewed provided that the property owner submits satisfactory evidence to the Zoning Administrator that the need for such temporary structure continues to exist.
3. In no case, shall the termination date of a Temporary Use Permit be automatically extended as a result of a delay on the applicant's part to comply with the conditions stipulated in the Temporary Use Permit.
4. Time extensions for a Temporary Use Permit shall be processed in the same manner as the original permit.

Section. 3.5 Variances and Appeals.

- A. Purpose.** The Board of Adjustment may decide appeals of administrative interpretations and decisions as well as authorize a departure from the terms of the zoning regulations but not to the permitted uses.
- B. Pre-Application.** Before the City accepts any applications; the petitioner may schedule and attend a pre-application meeting. The purpose of the pre-application meeting is to discuss, in general, the procedures and requirements.
- C. Application.** A request for variance shall be made by filing an application with the Zoning Administrator and paying the required application fee. The application shall be accompanied by a development plan showing such information as the Zoning Administrator may reasonably require for purposes of this Ordinance. The plans shall contain sufficient information for the Board to make a proper decision on the matter. In all cases, the application shall address all of the following hardship criteria:
 1. There exist special circumstances or conditions regarding the land or building referred to in the application, which do not apply to other properties in the zoning district.
 2. The above special circumstances or conditions are preexisting and are not created or self-imposed by the owner or applicant.
 3. The variance is necessary for the preservation of substantial property rights. Without a variance the property cannot be used for purposes otherwise allowed in this zoning district.

4. The authorizing of the variance will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, or to the neighborhood or the public welfare.

D. Variance Requests. A variance is not a right. It may be granted to an applicant only if the applicant establishes compliance with all of the hardship criteria established in A.R.S. §9-462.06 and in Sec 3.5 (C.) of this Ordinance.

Pursuant to State Statutes, the Board may not:

1. Make any changes in the uses permitted in any zoning classification or zoning district.
2. Grant a variance if the special circumstances applicable to the property are self-imposed by the property owner.

E. Appeal of Decision. In an appeal to the Board regarding an administrative decision or interpretation, the Board's review shall be limited to determining whether the decision or interpretation by the Zoning Administrator was in accordance with the intent and requirements of this Ordinance. Accordingly, the Board may reverse or affirm, wholly or partly, or modify the order, requirement or decision of the Zoning Administrator.

F. Public Hearing. Notice of the hearing at which the variance or appeal will be heard, shall be provided in compliance with A.R.S. §9-462.06 and Sec. 3.1 of this Ordinance.

G. Validity Limit. Rights and privileges established by the granting of a variance shall be exercised within twelve (12) months following the date of approval unless the Board specifies a different time limit at the time the variance is granted. A variance that is not exercised within the time limits specified shall become null and void.

Section. 3.6 Site Plan Review.

A. Purpose. The purpose of the site plan review is to promote the safe, functional and aesthetic development of property and to ensure that all new non-residential, multiple residential, commercial and industrial structures and the associated; utilities, streets, parking, circulation systems, lighting, signage, drainage and landscaping are developed in conformance with the standards of this Ordinance, and in compliance with the City of San Luis General Plan. The site plan review shall consider the proposed development and the relationship of the project to adjacent developments and the community. No building permit shall be issued until approved by the Zoning Administrator and then such issuance shall only be in accordance with the plans and stipulations as approved by the Zoning Administrator.

B. Pre-Application. Before the City accepts any applications, the applicant may schedule and attend a pre-application meeting. The purpose of the pre-application meeting is to discuss, in general, the procedures and requirements for the site plan review pursuant to these regulations.

C. Application.

1. The administrative site plan review shall be required for all development and construction within the following Zoning Districts within the City of San Luis; except for interior tenant improvements:
 - a. All non-residential uses in Single Residence Zones
 - b. "R-2" Multiple Residence Zone (any development over four (4) units)
 - c. "R-3" Multiple Residence Zone
 - d. "C-1" Neighborhood Commercial Zone
 - e. "C-2" Community Commercial Zone
 - f. "M-U" Mixed Use Zone
 - g. "L-I" Light Industrial Zone
 - h. "H-I" General Industrial Zone
 - i. "MH" Manufactured Home Zone (manufactured home parks only)
 - j. "RV" Recreational Vehicle Zone (recreational vehicle parks only)
 - k. All "Overlay" Zones ("AP", "FP", "AO" and "P")
2. Site Plan Review shall also be required for any public or quasi-public facility, community facility, or places of public assembly regardless of the zoning district in which they are proposed to be located.
3. If the proposed development requires a zoning change (rezoning) or a Conditional Use Permit, the approved site plan shall be submitted with the rezoning or use permit application and considered concurrently. For proposed developments which do not require rezoning or a use permit, the site plan must be approved prior to submittal for a building or grading permit.
4. All applications shall be filed on a form provided by the Zoning Administrator and shall be accompanied by the required fee and all required materials as outlined in this Ordinance and/or on the application. Depending upon the specific circumstances of the development additional materials may be required by the City in order to adequately review the application.

D. Submittal Requirements. All site plan review applications shall comply with the submittal requirements outlined in Sec. 3.2 (F.) of this Ordinance and those on the application.

E. Procedures.

1. All site plan review applications shall be reviewed and approved administratively by the Zoning Administrator unless rezoning or a conditional use permit is required.
2. All projects subject to site plan review must be reviewed and approved by the Zoning Administrator, or by the Council if in conjunction with a rezoning or conditional use permit, prior to submitting for building plan review.
3. All site plan review applications, for which rezoning or a conditional use permit is also required, shall be submitted along with the appropriate applications and processed in accordance with Sec. 3.2 (G.) of this Ordinance.

F. Scope of Action.

1. Approval shall become effective immediately if no other actions are required. If the site plan review is in conjunction with a request for rezoning, the approval of the petition to rezone the land may not be enacted as an emergency measure and the rezoning along with the site plan shall not become effective for at least 30 days after City Council approval.
2. A site plan approval pursuant to these provisions shall run with the land and shall continue to be valid upon a change of ownership of the site or structure that was the subject of the application.
3. Any amendments or modifications to an approved site plan shall be processed in the same manner as the original application, except that minor amendments, such as but not limited to color changes, material changes, changes in building height or reduction in square footage etc, may be authorized by the Zoning Administrator.
4. A “Certificate of Occupancy” shall not be issued if development activities do not conform to the approved site plan.

Section 3.7 General Plan Amendments.

- A. Purpose.** In accordance with the provisions of Arizona Law, the City Council may update and amend the City of San Luis General Plan. Such amendments or changes may be initiated by the City Council, Planning and Zoning Commission, City Staff or by a property owner or his/her designated representative.
- B. Pre-Application.** Before the City accepts any applications, the applicant may schedule and attend a pre-application meeting. The purpose of the pre-application meeting is to discuss, in general, the procedures and requirements for the General Plan Amendment pursuant to these regulations and the City of San Luis General Plan.
- C. Application.** All applications shall be filed on a form provided by the Zoning Administrator and shall be accompanied by the required fee and all required materials as outlined in this Ordinance and/or on the application. Depending upon the specifics circumstances of the amendment additional materials may be required by the City in order to adequately review the application.
- D. Procedures.** There are two (2) types of amendments to the General Plan: Minor Amendments and Major Amendments. All applications for any type of General Plan Amendment shall be processed and public hearings shall be held in accordance with A.R.S. §9-461.06, and Sec. 3.0 (C) and Sec. 3.2 (G) of this Ordinance, and those provisions prescribed in the City of San Luis General Plan.
 1. A “Major Amendment” to the General Plan must be filed prior to June 15th of every year in order to be heard at the one (1) City Council hearing designated each year to review major amendments to the General Plan. Major Amendments shall require an affirmative vote of at least two-thirds (2/3) of the City Council.
 2. A “Minor Amendment” to the General Plan may be processed throughout the year and/or in conjunction with a development application.

- E. Approval Criteria.** In determining whether the proposed General Plan Amendment shall be approved, the Planning and Zoning Commission and City Council shall assure that the proposed amendment meets all of the following criteria:
1. The development pattern contained in the existing San Luis General Plan - Land Use Plan does not adequately provide appropriate optional sites for the use or change proposed in the amendment.
 2. The amendment constitutes an overall improvement to the San Luis General Plan and is not solely for the good or benefit of a particular landowner or owners at a particular point in time.
 3. The amendment will not adversely impact the community as a whole or a portion of the community by:
 - a. Significantly altering acceptable existing land use patterns,
 - b. Requiring additional and more expensive improvements to roads, sewer, or water delivery systems than are needed to support the prevailing land uses and which, therefore, may impact developments in other areas,
 - c. Adversely impacting existing or previously planned uses through increased traffic generated by the proposal on existing systems, or
 - d. Affecting the livability of the area or the health and safety of the residents.
 4. The amendment is consistent with the General Plan's overall intent, vision, goals and objectives as well as being compliant with other adopted plans, codes, and ordinances.
- F. Burden of Proof.** It shall be the burden of the party requesting the General Plan Amendment to prove that the change constitutes an improvement to the General Plan. It shall not be the burden of the City to provide a reason that an amendment should be denied.

Section 3.8 Minor Variance.

- A. Purpose.** The purpose of the minor variance procedure is to allow for up to a maximum twenty percent (20%) variation from a development standard or dimension requirement of the zoning code where a practical difficulty, unnecessary hardship, or a result inconsistent with the general purposes of the zoning code would occur from its strict, and literal interpretation, and enforcement.
- B. Application.** An application, on a form provided by the City and signed by the property owner, shall be submitted to the Zoning Administrator along with the following:
1. Specify the minor variance(s) that is being requested.

2. Include plans and other pertinent information.
 3. Include the reasons for granting the variance request as they pertain to the hardship criteria outlined in Sec. 3.5 (C).
 4. Written acknowledgment to the notification of the requested minor variance(s) from each adjacent property owner, even if separated by a public right-of-way.
- C. Procedures.** At an open meeting the Zoning Administrator shall consider the minor variance(s) request as permitted by Sec. 2.3(C)(3) of this Ordinance.
- D. Action.** The Zoning Administrator, upon finding that the variance request does not exceed a twenty percent (20%) reduction or increase in a development standard or dimension required by this code and can determine that the request complies with the four (4) hardship criteria established in Sec 3.5 (C.) of this Ordinance, may approve the minor variance(s).
- E. Appeal of Decision.** In the event the Zoning Administrator approves, approves with conditions or denies an application for a minor variance(s) filed pursuant these regulations any person may appeal that decision in writing, including any required appeal fee, within fifteen (15) days of the decision and request that the minor variance be placed on the agenda of the next regularly scheduled Board of Adjustment meeting.
- F. A Minor Variance may not.** Grant a variance to allow a less restrictive use or other use not permitted in the applicable district. A minor variance request must be compatible with the general purpose and intent of this Ordinance and the General Plan upon which it is based, so that the spirit of this Ordinance and the General Plan shall be observed, public safety and welfare secured, and substantial justice done not only to the applicant but to others who might be affected by the granting of the minor variance.

Table No. 1 – Land Use Procedure(s) Summary

Requested Action	Public Notice/ Citizen Review	Zoning Administrator	Planning & Zoning Commission	City Council	Board of Adjustments
General Plan Amendments	Yes/No	Reviews & recommends	Recommendation only	Decision making	
General Plan Annual Review	No/No	Reviews & recommends	Recommendation only	Decision making	
Property Rezoning Requests	Yes/Yes	Reviews & recommends	Recommendation only	Decision making	
Ordinance Text Amendments	Yes/No	Reviews & recommends	Recommendation only	Decision making	
Site Plan Review	No/No	Decision making			
Conditional Use Permits	Yes/No	Reviews & recommends	Decision making		
Temporary Use Permits	No/No	Decision making			
Appeal of Zoning Administrator Decisions	No/No				Decision making
Variances Requests	Yes/No	Reviews & recommends			Decision making
Minor Variance Requests	No/No	Decision making			
Minor Lot Divisions	No/No	Decision making			
Preliminary Plats	No/No	Reviews & recommends	Decision making		
Final Plats	No/No	Reviews & recommends	Recommendation only	Decision making	
Protected Development Rights Plans	Yes/No	Reviews & recommends	Recommendation only	Decision making	

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Article 2-6, Chapter 4 - Zoning Districts and Map

Section 4.0 Purpose. The City of San Luis is hereby zoned and divided into zoning districts and overlay districts. The purpose of establishing these districts is:

- A. To implement the goals, objectives, and policies of the City of San Luis General Plan;
- B. To conserve and promote the public health, safety and general welfare;
- C. To encourage the most appropriate use of land throughout the City and to insure logical and orderly growth and development of the physical elements of the City;
- D. To conserve and enhance the economic, social, cultural and aesthetic values of the City;
- E. To protect, maintain, and improve the integrity and character of the established neighborhoods, regulate new development, and improve the City's overall quality of life.

Section 4.1 Establishment of Zoning Districts.

A. **Zoning Districts.** In accordance with the requirements of the Zoning Enabling Act (A.R.S. §9-462.01.B) that zoning regulations be by districts, the City of San Luis, as shown on the Zoning Map(s) accompanying this Ordinance and incorporated herein by this reference, is hereby divided into the following zoning districts and overlay districts:

1. Single Residence Zoning Districts: (Chapter 5)
 - “RA-10” Rural Area - minimum 10 acres/dwelling unit.
 - “SR-5” Suburban Ranch - minimum 5 acres/dwelling unit.
 - “SR-2” Suburban Ranch - minimum 2 acres/dwelling unit.
 - “R1-35” Low Density - minimum 35,000 square feet/dwelling unit.
 - “R1-20” Low Density - minimum 20,000 square feet/dwelling unit.
 - “R1-12” Medium Density - minimum 12,000 square feet/dwelling unit.
 - “R1-8” Medium Density - minimum 8,000 square feet/dwelling unit.
 - “R1-6” Medium Density - minimum 6,000 square feet/dwelling unit.
 - “R1-5” Medium Density - minimum 5,000 square feet/dwelling unit.
2. Multiple Residence Zoning Districts: (Chapter 6)
 - “R-2” Medium-High Density Residential - maximum 10 dwelling units/acre.

- “R-3” High Density Residential -maximum 20 dwelling units/acre.
- 3. Commercial Zoning Districts: (Chapter 7)
 - “C-1” Neighborhood Commercial
 - “C-2” Community Commercial
 - “MU” Mixed Use
- 4. Industrial Zoning Districts: (Chapter 8)
 - “L-I” Light Industrial
 - “H-I” General Industrial
- 5. “R-PUD” Residential Planned Unit Development (Chapter 9)
- 6. “MH” Manufactured Home Zoning District (Chapter 10)
- 7. “RV” Recreational Vehicle Zoning District (Chapter 11)
- 8. Open Space Zoning Districts: (Chapter 12)
 - “OSC” Open Space Conservation
 - “OSR” Open Space Recreational
- 9. Overlay Zoning Districts: (Chapter 13)
 - “AP” Airport Overlay
 - “FP” Floodplain Overlay
 - “AO” Aesthetic Overlay
 - “P” Public Overlay

B. Additional Districts. Additional zoning districts may be added from time to time upon the recommendation of the Planning and Zoning Commission to the City Council. Proposed changes to the zoning district regulations or the Official Zoning Map, including the addition of new districts, may be submitted by the Planning and Zoning Commission, City staff, City Council, or any other interested party.

Section 4.2 Zoning Map.

A. The locations and boundaries of zoning districts shall be designated on a map or maps entitled Zoning Map(s) of the City of San Luis and said map(s) and all notations, references and other information shown thereon, shall be as much a part of this Ordinance as if the matters and information set forth by said map(s) were all fully described herein.

- B. The Zoning Map(s), dated and signed by the Mayor and City Clerk, shall be located in the office of the Zoning Administrator and a copy shall be kept on file with the City Clerk. Any changes thereto shall be clearly shown on the Zoning Map(s) when officially adopted by the City Council.

Section 4.3 District Boundaries.

- A. Where uncertainty exists concerning the boundaries of any zoning district shown on the Zoning Map(s), the following rules shall apply:
 1. Where zoning district boundaries are indicated as approximately following street or alley lines or the centerlines thereof, such lines shall be construed to be the zoning district boundaries.
 2. Where zoning district boundaries are so indicated that they approximately follow property lines, such property lines shall be construed to be zoning district boundaries.
 3. Where zoning district boundaries are indicated as approximately following the line of any stream or other waterway, the center of such stream or waterway shall be construed to be zoning district boundaries.
 4. If zoning district boundary lines are fixed by dimensions shown on the Zoning Map(s), such dimensions shall govern.
 5. In cases where the above-described lines are not used, the zoning district lines shall be determined by using the scale of the Zoning Map.
 6. Whenever any street, alley or other public way is vacated by the City Council as set forth in A.R.S. §9-240-B-3(e), the zoning districts adjoining each side of such street, alley or public way shall be considered as extended to the center of such vacation and all areas included in the vacation shall then be subject to all appropriate regulations of those zoning districts. Upon motion by the City Council, such vacated public way may be designated as all or part of adjacent districts.
- B. Any dispute as to the boundary or location of property within a zoning district shall be resolved in accordance with Chapter 3 of this Ordinance.
- C. Conditions imposed by special ordinance in conjunction with amendments to the Zoning Map(s) are referenced to separate files maintained in the office of the Zoning Administrator and are hereby made a part of the Zoning Map(s).

Section 4.4 Establishing City Zoning in Annexed Areas.

- A. Pursuant to A.R.S. §9-462 et seq, San Luis may enact an ordinance authorizing county zoning to continue in effect until municipal zoning is applied to land previously zoned by the county and annexed by the municipality, but in no event for longer than twelve

(12) months after the annexation.

- B.** When annexing an area, the city may adopt City of San Luis zoning classifications that permit densities and uses no greater than those permitted by the county immediately before the annexation. Subsequent changes in zoning of the annexed territory shall be made according to existing procedures established by the city for the annexing of land.

Article 2-6, Chapter 5 – Single Residence Zoning Districts

Section 5.0 General Requirements - Single Residence Zoning Districts.

- A. Purpose.** The Single Residence Districts are designed to provide for a range of single-dwelling neighborhoods. The purpose of these districts is to protect the stability of existing land uses, existing neighborhoods, and to encourage new residential developments that encompass the many lifestyles and areas of the City. It is also the intent of these Districts to accommodate the needs of single residence neighborhoods by providing for associated, limited, non-residential uses. The Single Residence Districts are further delineated in the following categories:
- “RA-10” Rural Area Residential
 - “SR-5”, “SR-2” Suburban Ranch Residential
 - “R1-35”, “R1-20” Low Density Residential
 - “R1-12”, “R1-8”, “R1-6”, “R1-5” Medium Density Residential
- B. Review Process.** All non-residential construction within any single residence zoning district shall require Site Plan Review by the Zoning Administrator prior to the applicant’s submittal for building or grading permits. All applications for site plan review shall comply with the submittal requirements outlined in Section 3.6 of this Ordinance. The required fee shall accompany all applications.
- C. Development Standards.** The development regulations required for each specific single residence zoning districts are outlined in Table No. 3 contained herein. These standards provide certainty to property owners, developers, and neighbors about the limits of what is allowed.
- D. Compliance with Other Provisions.**
1. General Provisions. The general provisions in Chapter 14 herein shall apply.
 2. Parking Regulations. The parking regulations in Chapter 15 herein shall apply.
 3. Signs. All signage proposed shall comply with Chapter 16 herein.
 4. Outdoor Lighting. All outdoor lighting shall comply with Chapter 17 herein.

Section 5.1 “RA-10” Rural Area Residential Zoning District.

- A. Purpose.** The purpose of this district is to conserve and preserve farms and agricultural related activities and resources. The intent is to protect areas that have prime agricultural soils and existing or desired agricultural uses from incompatible land uses and urban encroachment and foster orderly growth in rural areas. This district is appropriate where rural development with minimal public facilities and services is desired or programmed, and in conjunction with the airport overlay zoning district.

B. Permitted Uses - “RA-10” Zoning District.

1. One (1) single residential detached dwelling unit per lot of record.
2. Farms/ranches and related farming/ranching activities for the production of crops and/or raising of animals but not including: dairies; concentrated animal feeding operations; swine, ratites or poultry farms. Farm and ranch uses shall be in compliance with the following standards:
 - a. Application of pesticides shall comply with the buffer requirements of A.R.S. §3-365 as it relates to schools, daycares and adjacent residential uses.
 - b. Animals must be contained and the containment must be within the buildable area of the lot. Only pasture and grazing activity may occur outside of the buildable area of the lot.
 - c. Ranch uses may include the following equine activities: boarding, breeding, training, and the sale of animals owned by the rancher.
 - d. All activity and pasture areas shall be grassed, sprinkled or treated with regularly tilled organic soil mix for dust suppression.
 - e. All feeding areas and the structures used to house or cover the animals shall conform to the yard setback regulations of Table No. 3.
3. Farm/ranch headquarters office to conduct business related to farming and ranching operations.
4. Private or commercial apiaries in accordance with all applicable State regulations.
5. Private or commercial aquaculture.
6. Plant nurseries and greenhouses for the propagation, cultivation and wholesale distribution of plants produced on the premises; without retail sales.
7. Roadside produce stands for the sale of farm/ranch products produced on the premises.
8. Storage of agricultural related equipment used on the premises and temporary storage of agricultural products used and/or produced on the premise.
9. Kennels for the boarding or lodging, breeding, or training of small domesticated animals, such as dogs and cats, provided the animals are kept within the confines of an exercise area and a sound-attenuated kennel. Animals shall not run at large and shall not number more than five (5) animals/acre with a total of no more than fifty (50) animals under any circumstance. A specific plan for the physical containment and location of waste storage and/or disposal, which minimizes odor and fly impacts on adjacent lots or parcels, must be provided. All kennels shall comply with city and/or state licensing requirements.

10. One (1) guest house may be permitted on the same lot as a principal residence, provided the guest house complies with the following standards:
 - a. The guesthouse must conform to all minimum density, area, building and yard regulations as that of the principal structure.
 - b. The guesthouse shall be located in the buildable area of the lot.
 - c. A single common driveway shall serve both the principal residence and the guesthouse.
 - d. The guesthouse may not exceed fifty (50) percent of the gross square footage of the livable area of the primary structure.
 - e. The guesthouse must be connected to all of the primary structure's electric, water and gas meters.
 - f. The guesthouse may not be used for any commercial or non-residential uses.
 - g. A guesthouse may not be used for rental purposes.
11. Public and private parks.
12. Public and private open space preserves.
13. Public or private utility installation and services including storage facilities, booster stations, lift stations, wastewater treatment plants, and generating plants but not including business offices.
14. Accessory buildings and accessory uses as prescribed in Chapter 14 of this Ordinance.

C. Conditional Uses - "RA-10" Zoning District.

1. Secondary residential dwellings, in conjunction with a farm, to meet the residential needs of farm employees provided it complies with the following standards:
 - a. The residential units for farm employees shall not be used for any commercial or non-residential uses, leased to non-farm employees and/or otherwise used for income purposes.
 - b. A recreational vehicle may be used for accessory agricultural living purposes provided it is placed only within the buildable area of the lot, and shall not be occupied for more than four (4) months out of any twelve (12) month period.
2. Agricultural processing, including cotton ginning and compressing, grist milling services, seed milling, corn shelling services, produce packing, and other contract sorting, grading and packing services.

3. Retail sales in conjunction with a plant nursery or greenhouse for the sale of plants propagated or cultivated on the premise.
4. Retail operations such as, but not limited to, u-pick facilities, farmers market, restaurant, and butcher shop for the sale of farm/ranch products generally produced on the premises provided the site has appropriate access, parking, and public facilities.
5. Commercial riding stables, boarding stables, and/or commercial ranch only after it has been found to be in compliance with the following standards:
 - a. An attendant must be in residence on the property of any commercial ranch.
 - b. All livestock structures, containment areas of facilities used for the stabling, storing, showing or training of livestock and for temporary manure storage shall be set back a minimum of fifty (50) feet from any property line and at least one hundred (100) feet from any other residences. Normal setbacks apply to all other structures and uses.
 - c. In order for there to be shows or other activities the site must have immediate access to a major or collector City street. Adequate parking for daily activities and additional parking, as determined by the Zoning Administrator, must be provided for shows or other special events.
 - d. All livestock turnout areas and pens shall be enclosed with fences at least five feet in height. The design of these enclosures shall be shown on drawings submitted with the conditional use permit application.
 - e. A specific plan for the physical containment and location of manure storage and/or disposal, which minimizes odor and fly impacts on adjacent lots or parcels, must be provided. The spreading and tilling of manure into the soil of the paddock, pasture or arena areas may be considered manure disposal.
 - f. The applicant must provide a specific program for fly control in barn and stable areas that minimizes the attraction and breeding of flies.
 - g. All activity and pasture areas shall be grassed, sprinkled or treated with regularly tilled organic soil mix for dust suppression.
 - h. With the exception of the principal residence and its accessory structures, upon revocation of the commercial ranch conditional use permit or abandonment of the operation, all structures shall be removed.
 - i. Failure to maintain any of the standards described above is grounds for revocation of the conditional use permit.
 - j. In the review for a commercial riding stables, boarding stables, and/or commercial ranch, the City may also consider lighting, landscaping,

hours of operation, signage, plan of operation, and neighborhood impact.

6. Veterinarian hospitals and clinics for both large and small animals and the associated corrals, pens and kennels used for the keeping of animals while under veterinary care
7. Kennels for the boarding or lodging, breeding, or training of small domesticated animals, such as dogs and cats, provided the animals are kept within the confines of an exercise run and a sound-attenuated kennel. Animals shall not run at large and shall not number more than four (4) animals/acre with a total of no more than eighty (80) animals under any circumstance. A specific plan for the physical containment and location of waste storage and/or disposal, which minimizes odor and fly impacts on adjacent lots or parcels, must be provided. All kennels shall comply with City and/or State licensing requirements
8. Cemeteries, crematoriums, columbaria and mausoleums including associated on-site mortuary.
9. Large outdoor amusement facilities and/or cultural events, such as but not limited to, rodeo grounds, fairgrounds, race tracks, stadiums, amusement parks and crop mazes.
10. Guest ranch and/or dude ranch operations provided that the following standards shall apply:
 - a. No more than four (4) bedrooms per residence may be used for the business.
 - b. No more than two (2) adult persons per room.
 - c. One (1) off-street, non-tandem parking space per bedroom.
11. Public schools (K-12).
12. Private schools, including charter schools, with a curriculum substantially the same as customarily offered in public schools.
13. Religious Institutions.
14. Publicly owned or operated library, museum, fire station, police station.
15. Public or private detention and correctional facilities and only after it has been found to be in compliance with all applicable Federal and State regulations.
16. Wireless communication towers and antennas as approved in accordance with the requirements of Chapter 19 of this Ordinance
17. Medical marijuana dispensary offsite cultivation location, subject to the requirements found in Section 14.15 Medical Marijuana Uses.

D. Temporary Uses - “RA-10” Zoning Districts.

1. Temporary uses such as revivals, carnivals, circus, auctions, holidays or seasonal boutiques or tree lots with appropriate dust control abatement.

E. Design Standards - “RA-10” Zoning District.

1. The residence shall have a permanent foundation and a garage or carport the design and materials of which shall be compatible with the main structure. Front porches and courtyards are strongly encouraged.
2. For all non-residential and non-farm/agricultural uses, a walkway from the street to the front entry is strongly encouraged.
3. For all non-residential and non-farm/agricultural uses, the mechanical equipment, whether ground mounted or roof mounted, shall be screened from public view and designed to appear as an integral part of the building. The mechanical equipment screening shall be included in the overall building height. Mechanical equipment shall be treated to be non-reflective. Electrical meters, service components, and SES cabinets shall be screened from public view and designed to appear as an integral part of the building.

Section 5.2 “SR-5” and “SR-2” Suburban Ranch Residential Zoning Districts.

A. Purpose. The purpose of these zoning districts is to foster orderly growth in the rural transitional or fringe areas. Large lot residential uses, with emphasis on preserving the character of the farming community, would be most appropriate so that small agricultural land uses and the keeping of a limited number of horses and farm animals can occur without negatively impacting surrounding residential properties. The intent of this district is to provide a pastoral character and home sites that create an open environment and provide a transitional land use buffer between the more intense agricultural uses of the rural zoning districts and the more urban land uses of the low and medium density zoning districts.

B. Permitted Uses - “SR-5” and “SR-2” Zoning Districts.

1. One (1) single detached dwelling unit per lot of record.
2. Limited farm/ranch activities and uses such as corrals, barns, stables, and other similar structures, for the keeping of horses and other agricultural animals but not including a commercial ranch or agricultural crop production for a commercial purpose. All agricultural animal uses shall be in compliance with the standards outlined above in Sec 5.1(B)(2)(b-e).
3. Plant nurseries and greenhouses for the propagation, cultivation and distribution of plants produced on the premises.
4. Public and private parks.

5. Home occupations as prescribed in Chapter 14 of this Ordinance
6. Public and private utility installations for gas, electric, water, wastewater or communications and including booster stations and lift stations.
7. One (1) guest house may be permitted on the same lot as a principal residence, provided the guest house complies with the standards outlined in Sec 5.1(B)(10).
8. Accessory buildings and accessory uses as prescribed in Chapter 14 of this Ordinance.

C. Conditional Uses - “SR-5” and “SR-2” Zoning Districts.

1. Public schools (K-12).
2. Private schools, including charter schools, with a curriculum substantially the same as customarily offered in public schools.
3. Religious Institutions.
4. Bed and breakfast operations provided that the following standards shall apply:
 - a. No more than four (4) bedrooms per residence may be used for the business.
 - b. No more than two (2) adult persons per room.
 - c. One (1) off-street, non-tandem parking space per bedroom.
5. Amateur (ham) radio towers and antennas.
6. Wireless communication towers and antennas as approved in accordance with the requirements of Chapter 19 of this Ordinance.

D. Temporary Uses - “SR-5” and “SR-2” Zoning Districts.

1. Model homes or temporary sales office pertaining to the sale of homes being constructed in the immediate subdivision. In the review for a model home or sales office, the City may consider lighting, landscaping, hours of operation, signage, parking, duration, and neighborhood impact. Approval may be granted for a two (2) year period, or until all lots in the subdivision are sold, whichever occurs first.
2. Temporary construction site trailer pertinent to the construction of the homes and public improvements within the immediate subdivision.
3. Temporary uses such as revivals, carnivals, circus, auctions, holidays or seasonal boutiques or tree lots with appropriate dust control abatement.

E. Design Standards - “SR-5” and “SR-2” Zoning Districts.

1. All new residential developments (subdivisions) shall be subject to all requirements set forth in the San Luis Subdivision Ordinance.
2. The residential structure should have a strong relationship to the neighborhood street. A walkway from the street to the front entry is strongly encouraged.
3. Housing should foster a sense of neighborhood among nearby residents and a sense of community through linkage with surrounding neighborhoods.
4. Propane tanks, water filters and similar mechanical or utility equipment shall be installed at ground level or wall mounted and shall be screened from public view and designed to appear as an integral part of the building.
5. The residence shall have a permanent foundation and a garage or carport the design and materials of which shall be compatible with the main structure.
6. Front porches and courtyards are strongly encouraged.

**Section 5.3 “R1-35”, “R1-20”, “R1-12”, “R1-8”, “R1-6” and “R1-5”
Low and Medium Density Residential Zoning Districts.**

A. Purpose.

1. **“R1-35” and “R1-20” Low Density Residential Zoning Districts.** The purpose of these zoning districts is to provide for low density single residence development in areas where adequate public facilities and services are available. The intent of these districts is to encourage a large lot neighborhood environment where more amenities can be provided privately on the individual lots.
2. **“R1-12”, “R1-8”, “R1-6” and “R1-5” Medium Density Residential Zoning Districts.** The purpose of these zoning districts is to provide for detached single residence development on urban sized lots in areas where adequate public facilities and services are available. The intent of these districts is to encourage a traditional neighborhood environment where amenities and open space are provided more on a neighborhood basis rather than on the smaller individual lots.

B. Permitted Uses - “R1-35”, “R1-20”, “R1-12”, “R1-8”, “R1-6” and “R1-5” Zoning Districts.

1. One (1) single-dwelling unit per lot of record.
2. New duplex unit or an attached two (2) unit condominium on a corner lot provided the lot and the dwelling units meet the following standards:
 - a. The area of the corner lot is 8,000 square feet or larger in size.
 - b. Each dwelling unit must have its address and main entrance oriented

towards a separate street frontage.

3. Public and private parks and playgrounds.
4. Public and private open space preserves.
5. Public and Private recreational amenities and facilities.
6. Public and private utility installations for gas, electric, water, wastewater or communications including booster stations and lift stations.
7. Child care, home-based. Home-based child care shall comply with the State of Arizona Department of Health Services regulations for licensing.
8. Home occupations as prescribed in Chapter 14 of this Ordinance.
9. Assisted living facilities and group care homes for the elderly and handicapped, provided that:
 - a. No such home is located on a lot that is within one thousand-two hundred (1,200) feet of another group home for the handicapped and elderly care;
 - b. No such home contains more than six (6) residents;
 - c. Such home is licensed by the State of Arizona Department of Health Services;
 - d. Such home is licensed with, and administratively approved by the City, as to compliance with the standards of this Ordinance.
10. Accessory buildings and accessory uses as prescribed in Chapter 14 of this Ordinance.

C. Conditional Uses - “R1-35”, “R1-20”, “R1-12”, “R1-8”, “R1-6” and “R1-5” Zoning Districts.

1. One (1) accessory dwelling unit on a residential lot provided the lot and the accessory dwelling unit meets the following standards:
 - a. The area of the lot is 8,000 square feet or larger in size.
 - b. The accessory dwelling unit may not exceed fifty (50%) percent of the gross square footage of the livable area of the primary dwelling unit.
 - c. The addition of the accessory dwelling unit may not cause the lot to be split; rather the lot remains as one (1) lot under the same ownership as that of the primary dwelling unit.
 - d. The accessory dwelling unit shall be located in the buildable area of the lot.

- e. A single common driveway shall serve both the principal residence and the accessory dwelling unit.
 - f. The accessory dwelling unit must be connected to all of the primary structure's utilities; with the exception of phone and cable services.
 - g. The accessory dwelling unit may not be used for any commercial or non-residential uses.
2. Commercial retail use provided the lot meets the following standards:
- a. The minimum area of the lot must be 8,000 square feet or larger.
 - b. The lot must be a corner lot with frontage onto a roadway that is designated in the San Luis General Plan – Transportation Element as an arterial or collector roadway.
 - c. The building shall comply with all setback and development standards of the residential zoning district.
 - d. The building size and permitted uses shall be limited to those allowed in the “MU” Zoning District as outlined in Sec. 7.3(B) of this Ordinance.
3. Public schools (K-12).
4. Private schools, including charter schools, with a curriculum substantially the same as customarily offered in public schools.
5. Religious Institutions.
6. Publicly owned or operated library, museum, fire station, police station.
7. Amateur (ham) radio towers and antennas.
8. Wireless communication towers and antennas as approved in accordance with the requirements of Chapter 19 of this Ordinance.

D. Temporary Uses - “R1-35”, “R1-20”, “R1-12”, “R1-8”, “R1-6” and “R1-5” Zoning Districts.

- 1. Model homes or temporary sales office pertaining to the sale of homes being constructed in the immediate subdivision. In the review for a model home or sales office, the City may consider lighting, landscaping, hours of operation, signage, parking, duration, and neighborhood impact. Approval may be granted for a two (2) year period, or until all lots in the subdivision are sold, whichever occurs first.
- 2. Temporary construction site trailer pertinent to the construction of the homes and public improvements within the immediate subdivision.
- 3. Temporary uses such as revivals, carnivals, circus, auctions, holidays or seasonal

boutiques or tree lots in conjunction with appropriate dust control abatement.

4. Garage Sales are limited to three (3) consecutive days conducted no more frequently than three (3) times per year per residential location. Sales of this nature occurring beyond these limits are prohibited.

E. Design Standards - “R1-35”, “R1-20”, “R1-12”, “R1-8”, “R1-6” and “R1-5” Zoning Districts.

1. All new residential developments (subdivisions) shall be subject to all requirements set forth in the San Luis Subdivision Ordinance.
2. The residential structure should have a strong relationship to the neighborhood street. A walkway from the street to the front entry is strongly encouraged.
3. Housing should foster a sense of neighborhood among nearby residents and a sense of community through linkage with surrounding neighborhoods.
4. Propane tanks, water filters and similar mechanical or utility equipment shall be installed at ground level or wall mounted and shall be screened from public view and designed to appear as an integral part of the building.
5. The residence shall have a permanent foundation and a garage or carport the design and materials of which shall be compatible with the main structure.
6. Front porches and courtyards are strongly encouraged and should provide a pedestrian connection, other than the driveway, to the street.
7. All residential developments, at the time of subdivision development and on a subdivision basis, within the “R1-35”, “R1-20”, “R1-12”, “R1-8”, “R1-6” and “R1-5” Zoning Districts shall provide the minimum net acreage of open space as delineated in Table No. 2 herein. Net acres shall be defined as the total acres exclusive of the area required for arterial or collector street right-of-way dedications, any commercial or industrial lands, and school/public site reservations.

TABLE NO. 2
Open Space Requirements – Single Residence Zoning Districts
 (see Open Space definitions in Sec 1.12)

Zoning District	Open Space Percentage
“RA-10”	0%
“SR-5”	0%
“SR-2”	0%
“R1-35”	2%
“R1-20”	2%
“R1-12”	5%
“R1-8”	5%
“R1-6”	5%
“R1-5”	5%

TABLE NO. 3
Development Standards – Single Residence Zoning Districts

Zoning District	Minimum Lot Size (ac./sq ft)	Minimum Lot Width (feet)	Maximum Bldg. Height (feet)	Minimum Yard Setback (feet)					Maximum Lot Coverage
				Front	Garage Entrance	Side	Street Side	Rear	
“RA-10”	10 acres	330	35 (b)	50	40	30 & 30	50	50	10%
“SR-5”	5 acres	220	35 (b)	40	40	30 & 30	40	40	15%
“SR-2”	2 acres	120	35 (b)	30	30	30 & 30	30	40	20%
“R1-35”	35,000 sf	100	30	30	30	15 & 15	30	40	30%
“R1-20”	20,000 sf	100	30	25	20	10 & 10 (c)	15	30 (c)	40%
“R1-12”	12,000 sf	80 (a)	30	20	18	7 & 7 (c)	10	25 (c)	45%
“R1-8”	8,000 sf	70 (a)	30	20	18	7 & 7 (c)	10	20 (c)	50%
“R1-6”	6,000 sf	60 (a)	30	20	18	7 & 7 (c)	10	10 (c)	50%
“R1-5”	5,000 sf	50 (a)	20	15	18	5 & 5 (c)	10	10 (c)	50%

- (a) Lot width on corner lots shall be increased by five (5) feet.
- (b) Accessory agricultural buildings may be permitted additional height in accordance with regulations in Chapter 14 of this Ordinance.
- (c) Increased setbacks for institutional uses allowed by C.U.P. shall be increased 1 foot for every 2 foot of building height, but in no case less than twenty (20) feet.

Article 2-6, Chapter 6 – Multiple Residence Zoning Districts

Section 6.0 General Requirements – Multiple Residence Zoning Districts.

- A. Purpose.** The purpose of the Multiple Residence Districts is to provide for a range of different types and densities of multiple residential developments in locations which are suitable and appropriate, taking into consideration existing conditions, future land use needs, and the availability of public services. It is intended that these districts accommodate a variety of dwelling types, including apartments, townhouses or patio homes, duplexes, and condominiums. The Multiple Residence Districts are further delineated in the following categories:
- “R-2” Medium-High Density Residential
 - “R-3” High Density Residential
- B. Review Process.** All new development (residential and non-residential) shall require Site Plan Review, by the Zoning Administrator, prior to the applicant’s submittal for building or grading permits. All applications for site plan review shall comply with the submittal requirements outlined in Section 3.6 of this Ordinance. The required fees shall accompany all applications.
- C. Development Standards.** The development regulations for each of the multiple residence zoning districts are outlined in Table No. 5. These standards provide certainty to property owners, developers, and neighbors about the limits of what is allowed.
- D. Compliance with Other Provisions.**
1. General Provisions. The general provisions in Chapter 14 herein shall apply.
 2. Parking Regulations. The parking regulations in Chapter 15 herein shall apply.
 3. Signs. All signage shall comply with Chapter 16 herein.
 4. Outdoor Lighting. All outdoor lighting shall comply with Chapter 17 herein.
 5. Landscape Regulations. The landscaping shall comply with Chapter 18 herein.

Section 6.1 “R-2” Medium-High Density Residential Zoning District.

- A. Purpose.** The purpose of this zoning district is to allow for a variety of building types, including duplex, townhouses, and apartments with varied project amenities. The “R-2” shall provide a balance of housing opportunities to serve the needs of the residents of San Luis. The intent of this district is to permit higher density urban development with a mixture of uses of a similar intensity.

B. Permitted Uses - “R-2” Zoning District.

1. Attached or detached single residence dwellings, including townhouses, provided the maximum density does not exceed ten (10) dwelling units per acre.
2. Multiple residential developments (maximum of 10 dwelling units per acre).
3. Public and private utility installations, but not including business offices, repair or storage facilities, wastewater treatment plants, booster stations, and generating plants.
4. Child care, home-based. Home-based child care shall comply with the State of Arizona Department of Health Services regulations for licensing.
5. Group care homes for the elderly and handicapped, provided that:
 - a. No such home is located on a lot that is within one thousand-two hundred (1,200) feet of another group home for the handicapped and elderly care;
 - b. No such home contains more than twenty (20) residents;
 - c. Such home is licensed by the State of Arizona Department of Health Services;
 - d. Such home is licensed with, and administratively approved by the City, as to compliance with the standards of this Ordinance.
6. Home occupations as prescribed in Chapter 14 of this Ordinance.
7. Accessory buildings and accessory uses as prescribed in Chapter 14 of this Ordinance.

C. Conditional Uses - “R-2” Zoning District.

1. Public schools (K-12).
2. Private schools or charter schools, with a curriculum substantially the same as customarily offered in public schools.
3. Religious Institutions.
4. Bed and breakfast operations provided that the following standards shall apply:
 - a. No more than four (4) bedrooms per residence may be used for the business.
 - b. No more than two (2) adult persons per room.
 - c. One (1) off-street, non-tandem parking space per bedroom.

5. Wireless communication towers and antennas in accordance with the requirements of Chapter 19 of this Ordinance.

D. Temporary Uses - “R-2” Zoning District.

1. Temporary sales office pertaining to the sale of dwelling units being constructed in the immediate development. In the review for a sales office, the City may consider lighting, landscaping, hours of operation, signage, parking, duration, and neighborhood impact. Approval may be granted for a two (2) year period, or until all units in the development are sold, whichever occurs first.
2. Temporary construction site trailer pertinent to the construction of the residential units or buildings and public improvements within the immediate development.
3. Temporary uses such as revivals, carnivals, circus, auctions, holidays or seasonal boutiques or tree lots with appropriate dust control abatement.

E. Site Design Standards - “R-2” Zoning District. Multiple residential developments and buildings should compliment and enhance the built environment of the surrounding residential structures and neighborhood through the creative and imaginative application of architecture, landscape and site design standards.

1. All new residential developments (subdivisions) shall be subject to all requirements set forth in the San Luis Subdivision Ordinance.
2. Parking areas, if other than a driveway, that are adjacent to the required front yard shall be screened by a decorative wall or landscape berm or combination thereof to a height not to exceed three (3) feet in order to adequately screen the parked vehicles.
3. Trash and refuse collection containers shall be screened with a six (6) foot decorative wall. Trash and refuse areas shall be located such that they are not the visual focal point of a driveway or parking area, or cannot be viewed from a public street.
4. Mechanical equipment and similar utility devices, whether ground level or roof mounted, shall be screened from public view and designed to appear as an integral part of the building. The mechanical equipment screening shall be included in the overall building height. Mechanical equipment shall be treated to be non-reflective. Electrical meters, service components, and SES cabinets should be screened from public view and designed to appear as an integral part of the building.
5. All multiple residence developments having more than ten (10) dwelling units shall include a recreational amenity for the residents use at the rate of one amenity per 10 dwelling units. Examples of such amenities include, but are not limited to, swimming pool, tot lot, sport court, ramada with picnic tables and barbeque grill. The area utilized by the recreational amenity may be calculated as part of the overall open space required for the development.

6. Every unit is encouraged to be developed with either a private patio or balcony a minimum of one hundred fifty (150) square feet in size. If this private useable outdoor open space is provided it may be calculated as part of the overall open space required for the development.
7. All multiple residential buildings shall provide covered parking in accordance with Chapter 15 of this Ordinance. The required covered parking canopy shall provide motion sensor/detector light fixtures which are to be placed under the parking shade canopy.
8. All multi-story buildings are encouraged to incorporate 360° architecture. A variety of massing and building heights, and stepping rooflines is strongly encouraged. Straight rooflines should be minimized by using offsets, differing heights, stepping, or different orientations to produce more variety within a development. Roof material shall not be wood shake shingles.
9. Reflective building materials are prohibited. Mirrored surfaces or any treatment that changes ordinary glass into a mirrored surface are prohibited. Metallic surfaces, including roof materials, shall be chemically treated to be non-reflective.
10. The building materials of a project shall be durable, require low maintenance, and be of the same or higher quality as surrounding developments. The City strongly encourages all new buildings to meet LEED (Leadership in Energy and Environmental Design) certification standards.

F. Open Space Standards - “R-2” Zoning District.

1. All new multiple residential developments, including but not limited to; apartments and condominiums shall be required to provide open space, provide buffering to adjacent developments, and provide landscaping.
2. Open space shall be required for each development, as delineated in Table No. 4, regardless of whether it is a residential or non-residential development. Open space does not include parking areas.
3. Open space may be left as landscaped open space or may be developed with recreational amenities for the use and enjoyment of the residents.

Section 6.2 “R-3” High Density Residential Zoning District.

A. Purpose. The purpose of this zoning district is to provide for high-density attached residential development and destination tourism uses within designated activity centers where adequate public facilities and services are available. It is intended that this district accommodate multi-story residential and tourist developments incorporating unique design and exceptional amenities.

B. Permitted Uses - “R-3” Zoning District.

1. Multi-residential developments (maximum of 20 dwelling units per acre).

2. Cemeteries, crematoriums, columbaria and mausoleums including associated on-site mortuary.
3. Tennis courts and golf courses including clubhouses located thereon and unlighted driving ranges but not including miniature golf courses.
4. Public and private utility installations, but not including business offices, repair or storage facilities, wastewater treatment plants, booster stations, and generating plants.
5. Child care, home-based. Home-based child care shall comply with the State of Arizona Department of Health Services regulations for licensing.
6. Home occupations as prescribed in Chapter 14 of this Ordinance.
7. Accessory buildings and accessory uses as prescribed in Chapter 14 of this Ordinance.

C. Conditional Uses - "R-3" Zoning District.

1. Public schools (K-12).
2. Private schools, charter schools, or boarding school with a curriculum substantially the same as customarily offered in public schools.
3. Religious Institutions.
4. Child care center, provided that:
 - a. The facility provides the required outdoor play area.
 - b. The facility is licensed by the State of Arizona Department of Health Services.
5. Resorts, but not hotels or motels, provided that the following standards shall apply:
 - a. Each development shall have a minimum area of twenty (20) acres.
 - b. Each development shall provide a restaurant on-site.
 - c. The resort shall provide outside recreational amenities, such as but not limited to, golf, horseback riding, tennis or swimming.
 - d. The resort development may include meeting rooms or a conference center, health club and spa facilities, beauty and retail shops accessible only from within the primary resort building.
6. Time-share developments.
7. Assisted living facilities, nursing homes, congregate care facilities, convalescent homes and homes for the aged provided that the following standards shall

apply:

- a. A minimum of twenty-five (25) square feet of useable outdoor open space shall be required per bed and may be calculated as part of the overall open space required for the development.
 - b. The facility is licensed by the State of Arizona Department of Health Services.
8. Wireless communication towers and antennas in accordance with the requirements of Chapter 19 of this Ordinance.

D. Temporary Uses - “R-3” Zoning District.

1. Temporary sales office pertaining to the sale of dwelling units being constructed in the immediate development. In the review for a sales office, the City may consider lighting, landscaping, hours of operation, signage, parking, duration, and neighborhood impact. Approval may be granted for a two (2) year period, or until all units in the development are sold, whichever occurs first.
2. Temporary construction site trailer pertinent to the construction of the residential units or buildings and public improvements within the immediate development.
3. Temporary uses such as revivals, carnivals, circus, auctions, holidays or seasonal boutiques or tree lots when uses are located on property with appropriate dust control abatement.

E. Site Design Standards - “R-3” Zoning District. Multiple residential developments and construction should complement and enhance the built environment of the surrounding residential structures and neighborhood through the creative and imaginative application of architecture, landscape and site design standards.

1. All new residential developments (subdivisions) shall be subject to all requirements set forth in the San Luis Subdivision Ordinance.
2. Parking areas, if other than a driveway, that are adjacent to the required front yard shall be screened by a decorative wall or landscape berm or combination thereof to a height not to exceed three (3) feet in order to adequately screen the parked vehicles.
3. Trash and refuse collection containers shall be screened with a six (6) foot decorative wall. Trash and refuse areas shall be located such that they are not the visual focal point of a driveway or parking area, or cannot be viewed from a public street.
4. All multiple residence developments having more than ten (10) dwelling units shall include a recreational amenity for the residents use at the rate of one amenity per 10 dwelling units. Examples of such amenities include, but are not limited to, swimming pool, tot lot, sport court, ramada with picnic tables and barbeque grill. The area utilized by the recreational amenity may be calculated as part of the overall open space required for the development.

5. Every unit is encouraged to be developed with either a private patio or balcony a minimum of one hundred fifty (150) square feet in size. If this private useable outdoor open space is provided it may be calculated as part of the overall open space required for the development.
6. All multiple residential buildings shall provide covered parking in accordance with Chapter 15 of this Ordinance. The required covered parking canopy shall provide motion sensor/detector light fixtures which are to be placed under the parking shade canopy.
7. Mechanical equipment and similar utility devices, whether ground level or roof mounted, shall be screened from public view and designed to appear as an integral part of the building. The mechanical equipment screening shall be included in the overall building height. Mechanical equipment shall be treated to be non-reflective. Electrical meters, service components, and SES cabinets should be screened from public view and designed to appear as an integral part of the building.
8. All multi-story buildings shall incorporate 360° architecture. A variety of massing and building heights, and stepping rooflines is strongly encouraged. Straight rooflines should be minimized by using offsets, differing heights, stepping, or different orientations to produce more variety within a development. Roof material shall not be wood shake shingles.
9. Reflective building materials are prohibited. Mirrored surfaces or any treatment that changes ordinary glass into a mirrored surface are prohibited. Metallic surfaces, including roof materials, shall be chemically treated to be non-reflective.
10. The building materials of a project shall be durable, require low maintenance, and be of the same or higher quality as surrounding developments. The City strongly encourages all new buildings to meet LEED (Leadership in Energy and Environmental Design) certification standards.

G. Open Space Standards – “R-3” Zoning District.

1. All new multiple residential developments, including but not limited to; apartments and condominiums shall be required to provide open space, provide buffering to adjacent developments, and provide landscaping.
2. Open space shall be required for each development, as delineated in Table No. 4, regardless of whether it is a residential or non-residential development. Open space does not include parking areas.
3. Open space may be left as landscaped open space or may be developed with recreational amenities for the use and enjoyment of the residents.

TABLE NO. 4
Open Space Requirements – Multiple Residence Zoning Districts
 (see Open Space definitions in Sec. 1.12)

Zoning District	Open Space Percentage
“R-2”	5%
“R-3”	5%

TABLE NO. 5
Development Standards – Multiple Residence Zoning Districts

Zoning District	Minimum Lot Size (Sq Ft)	Min. Area/DU Total Density	Minimum Lot Width (Feet)	Maximum Bldg. Height (Feet)	Minimum Yard Setback (Feet)				Maximum Lot Coverage	
					Front	Garage Entrance	Side	Street Side		Rear
R-2	4,000 (e)	4,000 (e) 10 du/ac	40 (a)(e)	35 (d)	20	18	7 (b)(c)(f)	10	10 (b)	50%
R-3	4,000	2,000/du 20 du/ac	30 (a)	60	20	18	10 (b)(c)(f)	10 (b)	10 (b)	50%

• (du) means dwelling units

• (ac) means acre

- (a) Lot width on corner lots shall be increased by five (5) feet.
- (b) Or one-half (1/2) the height of the building measured at the property line, whichever is the greater (except for single residence dwellings).
- (c) Projections into required setbacks are not allowed.
- (d) Single residence dwellings, whether attached or detached, shall be limited to twenty (20) feet
- (e) Lots for attached townhouses may be reduced to twenty-five hundred (2,500) square feet and thirty (30) feet minimum lot width.
- (f) Applies only to the perimeter units of an attached unit product.

Article 2-6, Chapter 7 – Commercial Zoning Districts

Section 7.0 General Requirements - Commercial Zoning Districts.

- A. Purpose.** The commercial zoning districts are designed to provide a range of commercial land uses. The purpose of these districts is to provide for commercial development in locations, which are suitable and appropriate, taking into consideration existing conditions, future land use needs, the availability of public services, and the goals and objectives of the City of San Luis General Plan. It is intended that these districts accommodate a variety of uses including professional office, neighborhood retail and services, general retail and services, and mixed use commercial/residential. The Commercial Districts are further delineated in the following categories:
- “C-1” Neighborhood Commercial.
 - “C-2” Community Commercial.
 - “MU” Mixed Use.
- B. Criteria for Establishment.** The minimum land area required to establish “C-1” or “C-2” zoning shall be one (1) acre or if adjoining a parcel/lot that is similarly zoned commercial.
- C. Review Process.** All commercial development and construction shall require Site Plan Review, by the Zoning Administrator, prior to the applicant’s submittal for building or grading permits. All applications for Site Plan Review shall comply with the submittal requirements outlined in Section 3.6 of this Ordinance. The required fee shall accompany all applications.
- D. Development Standards.** The development regulations for each of the commercial zoning districts are outlined in Table No. 7. These standards provide certainty to property owners, developers, and neighbors about the limits of what is allowed.
- E. Compliance with Other Provisions.**
1. General Provisions. The general provisions in Chapter 14 herein shall apply.
 2. Parking Regulations. The parking regulations in Chapter 15 herein apply.
 3. Signs. All signage shall comply with Chapter 16 herein.
 4. Outdoor Lighting. All outdoor lighting shall comply with Chapter 17 herein.
 5. Landscape Regulations. The landscaping shall comply with Chapter 18 herein.

Section 7.1 “C-1” Neighborhood Commercial Zoning District.

- A. Purpose.** The purpose of this Zoning District is to provide a location for well designed small scale retail shops and services in convenient locations to meet the daily needs of families in the immediate residential neighborhood. It is intended that this district accommodate a restricted range of uses that must be compatible with and integrated into the

adjoining residential neighborhood. Residential uses shall be incidental to the primary commercial development.

B. Permitted Uses - “C-1” Zoning District. Uses shall be restricted to a maximum building size of 4,000 square feet and limited to:

1. Residential units, when located above the first floor or behind the commercial frontage and incidental to the primary commercial development. The residential use shall be excluded when calculating the maximum building size.
2. Child care centers, provided that:
 - a. The facility provides the required outdoor play area.
 - b. The facility is licensed by the State of Arizona Department of Health Services.
3. Personal and household services, including but not limited to; apparel, clothing alteration, seamstress shop, shoe repair shops, beauty and barber shops, jewelry and watch repair, small appliance repairs, bank or credit union (without drive-thru window), travel agency, launderette, and dry cleaners (without processing), therapeutic massage, printing and copy shop, florist and catering service.
4. Retail stores, including but not limited to; the sale of stationery, cards, gifts, bookstore, bakery, delicatessen, candy shop, coffee house, ice cream shop, art supply shop, photo shop, pet shop, and tobacco store.
5. Professional, administrative and general offices.
6. Medical, dental, chiropractic and clinical offices (excluding laboratory or pharmacy facilities).
7. Art galleries, art studios for the production and teaching of fine art, music schools, karate and dance studios, and photography studios.
8. Music store, video store, and bicycle shop.
9. Convenience market without the sale or dispensing of gasoline.
10. Café, restaurants, and taverns; excluding drive-in and drive-through facilities and live entertainment.
11. Club or lodge
12. Vocational schools: including but not limited to barber or beauty, business, dramatic, handicraft, painting or sculpture.
13. Grocery store, fruit or vegetable store, butcher shop (no slaughtering), hardware store, general retail or variety store.
14. Religious Institutions

C. Conditional Uses - “C-1” Zoning District.

1. Retail uses over 4,000 square feet but under 25,000 square feet.
2. Mixed use neighborhood center for permitted retail, service or office use; each business tenant space not to exceed 4,000 square feet with the total center not to exceed 25,000 square feet with no drive-through window facilities.
3. Live entertainment and outdoor dining associated with a café, restaurant, and/or tavern; excluding drive-in and drive-through facilities.
4. Parking lot for passenger vehicles only; but not for overnight parking.
5. Banks with drive-thru facilities if the bank is located along an arterial street.
6. Wireless communication towers and antennas in accordance with the requirements of Chapter 19 of this Ordinance.

D. Temporary Uses - “C-1” Zoning District.

1. Holiday or seasonal sales activities such as; pumpkin sales lots and Christmas tree sales lots. Permanent structures shall not be permitted under a temporary use permit. Seasonal lots may need additional zoning clearance and/or a building permit. A temporary residential use of a travel trailer by the seasonal tenant may be permitted on-site for security purposes for the seasonal sales activity provided it is located within the buildable area of the lot. Appropriate dust control abatement shall be provided.

E. Site Design Standards - “C-1” Zoning District.

1. Link structures to the public sidewalk where possible with hard surfaced pavement and landscaping.
2. Outdoor patios, display areas and seating areas are encouraged in order to add to the pedestrian environment at the street.
3. The required off-street parking spaces should be located in the rear or to the side of the structures rather than in the front to avoid the interruption to the rhythm of the established streetscape and to maximize the business visibility from public streets. The required off-street parking may only be located in front of the structure through approval of a conditional use permit.
4. Trash and refuse collection containers shall be screened with a six (6) foot decorative wall. Trash and refuse containers shall be located such that they are not the visual focal point of a driveway or parking area, or cannot be viewed from a public street. If the refuse containers can only be located in a highly visible location then latching gates, for screening the containers, at the opening to the enclosure shall be required.

5. Mechanical equipment and similar utility devices, whether ground level or roof mounted, shall be screened from public view and designed to appear as an integral part of the building. The mechanical equipment screening shall be included in the overall building height. Mechanical equipment shall be treated to be non-reflective. Electrical meters, service components, and SES cabinets shall be screened from public view and designed to appear as an integral part of the building.

F. Recommended Architectural Standards - “C-1” Zoning District.

1. All exterior elevations (360° architecture) should provide architectural detailing; not just the front elevation.
2. Exterior building design, as well as architectural details related to color, patterning, finish, type and application of materials and building form should be coordinated for all elevations of a building to achieve harmony and continuity of design on all elevations.
3. The building materials of a project should be durable, require low maintenance, and be of a substantial quality. The City strongly encourages all new buildings to meet LEED (Leadership in Energy and Environmental Design) certification standards.
4. Roof access should be from within the building.
5. Subtler, less intense colors should be used on larger, more plain-looking buildings, while the use of a greater variety and intensity of color should be reserved for smaller structures. The use of accent colors is encouraged to provide a festive and lively streetscape. Color should be used to accent entryways and special architectural features of a building.
6. Full roof architecture utilizing simple and varied roof forms is encouraged for all new commercial development; while long, continuous mansard roofs, false mansard roofs, large expanses of flat roofs and veneer (false-front) parapets are discouraged. Parapet walls should be designed and constructed in a manner to appear as a solid, three-dimensional form rather than a veneer.

G. Open Space Standards - “C-1” Zoning District.

1. Open space shall be required for all new developments, based on the net area of the development, as delineated in Table No. 6. The required on-site parking areas/lot and the required parking lot landscaping shall not be calculated as open space. However, building setbacks, street frontage and on-site retention areas may be calculated as open space if those areas are landscaped.

Section 7.2 “C-2” Community Commercial Zoning District.

- A. **Purpose.** The purpose of this Zoning District is to provide a location for general business and commercial uses. The intent of this district is to allow for larger and more intense commercial uses to satisfy the broader retail and business needs of the community at-large while providing for a broad range of commercial activities.
- B. **Permitted Uses - “C-2” Zoning District.** Uses shall be restricted to a maximum building

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size of 50,000 square feet and limited to:

1. Those uses permitted by right in the “C-1” Neighborhood Commercial Zoning District.
2. Child care centers, provided that:
 - a. The facility provides the required outdoor play area.
 - b. The facility is licensed by the State of Arizona Department of Health Services.
3. Medical, dental, and clinical offices including laboratories and associated pharmacy facilities.
4. Conference center or community center.
5. Small-animal hospitals or clinics, confined to a completely enclosed sound-attenuated building with no outdoor kennels or exercise runs.
6. Mortuaries; excluding crematories.
7. Professional, administrative, general office uses and governmental facilities and offices.
8. Community service agency facilities and offices.
9. Drive-through window facilities.
10. Bank and financial institutions with drive-through windows and outdoor teller facilities.
11. Restaurants (including drive-in and drive-through facilities), taverns, bars, nightclubs, and outdoor dining (when ancillary to restaurant use).
12. Parking lot for passenger vehicles, taxicab stands.
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. Dry-cleaning facility.

15. Hotels and motels.
16. Indoor entertainment and amusement facilities such as; movie theaters, dance halls, bowling alleys, billiard parlors, skating rinks, video and game arcade.
17. Health club, fitness or exercise facility and tennis and racket clubs.
18. Household, sickroom or office equipment rental and services.
19. Car wash facilities, auto part stores, auto service stations and convenience market with the sale or dispensing of gasoline.
20. 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. 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. 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. Mobile Food Vendors provided that such uses may not be located within any portion of the public right-of-way (including sidewalks).
24. Mobile Vendors provided that such uses may not be located within any portion of the public right-of-way (including sidewalks).
25. Religious Institutions.

C. Conditional Uses - “C-2” Zoning District.

1. Those uses permitted by right in the “C-2” Community Commercial Zoning District with a gross floor area greater than 50,000 square feet.
2. Large retail establishment with a gross floor area greater than twenty-five thousand (25,000) square feet; provided the site has direct frontage onto a roadway that is designated in the San Luis General Plan – Transportation Element as a major arterial roadway or greater.
3. Hospital and outpatient clinics.
4. Public or private substance abuse, detoxification and treatment centers, and recovery centers.
5. Outdoor entertainment and amusement facilities such as; drive-in theaters, game arcade, miniature golf, batting cages, go-cart tracks and similar uses.

6. Retail sales conducted outdoors as a primary use, such as but not limited to; swap meets, flea markets and auctions.
7. Parking lot for farm worker buses, tour buses and semi-truck rigs; but not for the parking of semi-trailers.
8. Wireless communication towers and antennas in accordance with the requirements of Chapter 19 of this Ordinance.
9. Medical marijuana dispensary offsite cultivation location, subject to the requirements found in Section 14.15 Medical Marijuana Uses.

D. Temporary Uses - "C-2" Zoning District.

1. Holiday or seasonal sales activities such as; pumpkin sales lots and Christmas tree sales lots. Permanent structures shall not be permitted under a temporary use permit. Seasonal lots may need additional zoning clearance and/or a building permit. A temporary residential use of a travel trailer by the seasonal tenant may be permitted on-site for security purposes for the seasonal sales activity provided it is located within the buildable area of the lot. Appropriate dust control abatement shall be provided.
2. Temporary uses such as revivals, carnivals, circus and auctions provided that the temporary uses do not displace required parking for the permitted "C-2" uses. Appropriate dust control abatement shall be provided.

E. Site Design Standards - "C-2" Zoning District.

1. All new multi-building commercial developments (subdivisions) shall be subject to requirements set forth in the San Luis Subdivision Ordinance.
2. Parking areas adjacent to the required front yard shall be screened by a decorative wall or landscape berm or combination thereof to a height not to exceed three (3) feet in order to adequately screen the parked vehicles.
3. Parking areas other than in front of the principal building is strongly encouraged.
4. Trash and refuse collection containers shall be screened with a six (6) foot decorative wall. Trash and refuse containers shall be located such that they are not the visual focal point of a driveway or parking area, or cannot be viewed from a public street. Projects which provide on-site daily management and maintenance personnel (i.e. service stations and convenience markets), and which have refuse enclosures at highly visible locations, shall provide latching gates for screening the opening to the enclosure.
5. Equipment such as, but not limited to, vending machines should be placed in an area designed for their use and situated in a manner so as not to block vehicular or pedestrian traffic, reduce any required parking, or block the sidewalk.
6. Service and loading bays (car wash, automotive service, tire, etc) should be oriented

away from adjacent residential zoning district and are encouraged to design these areas not to front onto the public street.

7. Outside storage areas shall be screened from the public street view and adjacent residences, office, and other commercial uses to a height of at least six (6) feet with a decorative wall; except for outdoor landscape/garden centers. Materials shall not be stacked, piled, or stored in such a manner as to project above the screen wall.
8. Drive-through windows should not face the primary street.
9. Link structures to the public sidewalk where possible with pavement, landscaping, street furniture and canopies.
10. A perimeter decorative wall, a minimum of six (6) feet in height, shall be required along and adjacent to the side or rear property line of a commercial development that abuts a residential district whether separated by an alley or not. Any access gates shall be constructed of opaque material to provide effective site screening.
11. The exterior side of perimeter walls shall be decoratively treated to match the architectural style and design of the commercial building.
12. Building site details related to utility boxes, transformers, generators, chiller farms, mailboxes, trash bins and air conditioning units shall be integrated into the overall design of the building and/or development and screened from view, yet remain accessible for servicing.
13. Mechanical equipment and similar utility devices, whether ground level or roof mounted, shall be screened from public view and designed to appear as an integral part of the building. The mechanical equipment screening shall be included in the overall building height. Mechanical equipment shall be treated to be non-reflective. Electrical meters, service components, and SES cabinets shall be screened from public view and designed to appear as an integral part of the building.

F. Recommended Architectural Standards – “C-2” Zoning District.

1. All exterior elevations (360° architecture) shall provide architectural detailing; not just the front elevation.
2. Exterior building design, as well as architectural details related to color, patterning, finish, type and application of materials and building form, shall be coordinated for all elevations of a building to achieve harmony and continuity of design on all elevations.
3. The building materials of a project shall be durable, require low maintenance, and be of a substantial quality. The City strongly encourages all new buildings to meet LEED (Leadership in Energy and Environmental Design) certification standards.
4. Roof access shall be from within the building.
5. Subtler, less intense colors should be used on larger, more plain-looking buildings, while the use of a greater variety and intensity of color should be reserved for smaller structures. The use of accent colors is encouraged to provide a festive and

lively streetscape. Color should be used to accent entryways and special architectural features of a building.

6. Full roof architecture utilizing simple and varied roof forms is encouraged for all new commercial development; while long, continuous mansard roofs, false mansard roofs, large expanses of flat roofs and veneer (false-front) parapets are discouraged. Parapet walls should be designed and constructed in a manner to appear as a solid, three-dimensional form rather than a veneer.

G. Additional Requirements for Large Retail Establishments.

1. All large retail establishments and commercial centers with a building area over 50,000 square feet shall provide a pedestrian shopping design with sidewalks, seating, trees, lighting, pedestrian scale signage, and connectivity to and through the parking areas. At least one significant pedestrian amenity, such as an outdoor seating area or a courtyard shall be provided.
2. Parking areas shall be distributed around the large scale retail buildings in order to shorten the distance to other buildings and public sidewalks and to reduce the overall scale of the paved surface. No more than fifty (50) percent of the off-street parking area for the entire property should be located between the front façade of the principal building(s) and the primary abutting street.
3. Pedestrian walkways within the commercial centers shall be differentiated from driving surfaces through a change of materials.
4. All buildings on the same site shall be architecturally unified. This provision shall apply to new construction, additions and remodeling. Architectural unity means that buildings shall be related in architectural style, color scheme, and building materials but that does not mean identical.
5. Flat, monolithic facades are not permitted. The building façade shall incorporate both horizontal and vertical elements.
6. Display windows, awnings, entry areas, and arcades must total at least 60% of the large scale retail building facade length abutting a public street.
7. Storefronts with no windows and small doors are not permitted.
8. A variety of roof types are permitted. Distinct and interesting rooflines instead of flat roofed structures shall be encouraged. A substantial cornice should be used at the top of a parapet wall or roof edge, providing a distinctive cap to the building facade.
9. Large scale retail uses that have outdoor storage areas shall incorporate the outdoor storage area into the architecture of the primary building. Screening materials and colors shall be consistent with the overall theme of the building.

H. Open Space Standards – “C-2” Zoning District.

1. Open space shall be required for all new developments, based on the net area of the development, as delineated in Table No. 6. The required on-site parking areas/lot

and the required parking lot landscaping shall not be calculated as open space. However, building setbacks, street frontage and on-site retention areas may be calculated as open space if those areas are landscaped.

2. A commercial development, developed as a commercial subdivision, shall provide the minimum net acreage, as delineated in Table No. 6, on a subdivision basis through the subdivision process.

Section 7.3 “MU” Mixed Use Zoning District.

A. Purpose. The purpose of this Zoning District is to provide a location for small scale, well designed, professional offices, personal services, limited retail, and residential within a mixed use environment. It is intended that this district accommodate a range of uses that encourages and allows both residential and commercial development either as the primary use or secondarily in either a vertical mixture or horizontal mixture if attached, and as adjacent uses if detached.

B. Permitted Uses - “MU” Zoning District. Commercial uses shall be restricted to a maximum tenant space size of 4,000 square feet.

1. Professional, administrative and general offices.
2. Residential units, either single or multi-residential in nature, developed as either attached or detached units or in combination with any other permitted use; excluding mobile homes and manufactured homes.
3. Bed and breakfast establishments.
4. Retail stores, including but not limited to, the sale of apparel, stationery, cards, gifts, bookstore, bakery, delicatessen, candy shop, coffee house, ice cream shop, art supply shop, photo shop and tobacco store.
5. Personal and household services, including but not limited to, clothing alteration, dry cleaning (without processing), laundromats, seamstress shop, beauty and barber shops, bank or credit union (without drive-thru window), therapeutic massage, travel agency, printing and copy shop, florist and catering service.
6. Music store, video store, bicycle shop, sporting goods store and apparel store.
7. Restaurants and taverns and ancillary outdoor dining; excluding drive-in and drive-through facilities.
8. Child care centers, provided that:
 - a. The facility provides the required outdoor play area.
 - b. The facility is licensed by the State of Arizona Department of Health Services.
9. Art galleries, art studios for the production and teaching of fine art, music schools and dance studios.

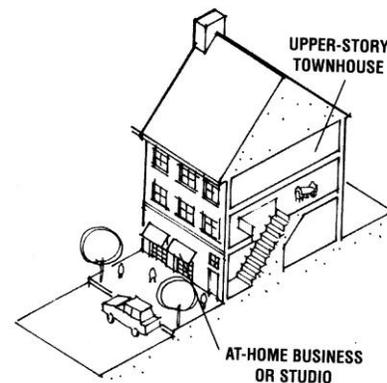
10. Mobile Food Vendors provided that such uses may not be located within any portion of the public right-of-way (including sidewalks).
11. Mobile Vendors provided that such uses may not be located within any portion of the public right-of-way (including sidewalks).
12. Religious Institutions.

C. Conditional Uses - “MU” Zoning District.

1. Assisted living facilities and group care homes for the elderly and handicapped provided that:
 - a. The facility is licensed by the State of Arizona Department of Health Services.
 - b. The facility is licensed with, and administratively approved by the City of San Luis, as to compliance with the standards of this Ordinance and any City license and permit requirements.
2. Drive-through window facilities for banks and financial institutions.
3. Wireless communication towers and antennas provided in accordance with the requirements of Chapter 19 of this Ordinance.

D. Site Design Standards - “MU” Zoning District.

1. Commercial activities should be conducted entirely within the street frontage of the buildings and on the first floor of the buildings.
2. Residential uses are encouraged as a mixed use with the office or service activities either within the same building provided they are located behind the commercial frontage on the first floor or on the second floor above the office or service uses or as adjacent stand alone uses.
3. The structures should mirror the adjacent residential structures in mass and design to be compatible with the diverse neighborhood. Front porches and courtyards are strongly encouraged and should provide a pedestrian connection, other than the driveway, to the street.
4. Mechanical equipment and similar utility devices, whether ground level or roof mounted, shall be screened from public view and designed to appear as an integral part of the building. The mechanical equipment screening shall be included in the overall building height. Mechanical equipment shall be treated to be non-reflective. Electrical meters, service components, and SES cabinets should be screened from public view and designed to appear as an integral part of the building.



E. Recommended Architectural Standards - “MU” Zoning District.

1. All exterior elevations (360° architecture) should provide architectural detailing; not just the front elevation.
2. Exterior building design, as well as architectural details related to color, patterning, finish, type and application of materials and building form, should be coordinated for all elevations of a building to achieve harmony and continuity of design on all elevations.
3. The building materials of a project shall be durable, require low maintenance, and be of a substantial quality. The City strongly encourages all new buildings to meet LEED (Leadership in Energy and Environmental Design) certification standards.
4. The use of accent colors is encouraged to provide a festive and lively streetscape. Color should be used to accent entryways and special architectural features of a building.
5. Full roof architecture utilizing simple and varied roof forms is encouraged. Parapet walls should be designed and constructed in a manner to appear as a solid, three-dimensional form rather than a veneer.

F. Open Space Standards – “MU” Zoning District.

1. A new mixed use development, developed as a subdivision, shall provide the minimum net acreage, as delineated in Table No. 6, on a subdivision basis through the subdivision process.
2. The required on-site parking areas/lot may not be calculated as open space. Building setbacks, street frontage and on-site retention areas may be calculated as open space if those areas are landscaped. Courtyards and outdoor seating areas, not associated with an outdoor dining area, may also be calculated as open space.

TABLE NO. 6
Open Space Requirements – Commercial Zoning Districts
 (see Open Space definitions in Sec. 1.12)

Zoning District	Open Space Required on an Individual Lot	Open Space Required for a Subdivision (minimum)
“C-1”	0%	3%
“C-2”	0%	3%
“MU”	0%	3%

TABLE NO. 7
Development Standards - Commercial Zoning Districts

District	Min. District Size	Lot Area (Sq Ft)	Lot Width (Feet)	Bldg. Height (Feet)	Minimum Yard Setback (Feet)			Lot Coverage
					Front	Side	Rear	
C-1	1 acre	8,000	60	35	15	5 & 5 (a)	10	50% max
C-2	1 acre	8,000	60	60	15	5 & 5 (a)	10	50% max
MU	n/a	8,000	60	45	10 max	5 & 5 (a)	10	75% max

(a) Zero lot lines may be applied if adjacent parcel is also zoned commercial and the firewall regulations of the Building Code are met.

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Article 2-6, Chapter 8 – Industrial Zoning Districts

Section 8.0 General Requirements – Industrial Zoning Districts.

- A. Purpose.** The industrial zoning districts are designed to provide a range of industrial land uses. The purpose of these districts is to provide for industrial development in locations, which are suitable and appropriate, taking into consideration existing conditions, future land use needs, the availability of public services, the general public's health and safety, and the goals and objectives of the City of San Luis General Plan. It is intended that these districts accommodate a variety of uses including corporate offices and garden industrial land uses to warehousing and heavy manufacturing. The industrial districts are further delineated in the following categories:
- “L-I” Light Industrial.
 - “H-I” General Industrial.
- B. Criteria for Establishment.** The minimum land area required to establish “L-I” and “H-I” zoning shall be one (1) acre and two (2) acres respectively or if adjoining a parcel/lot that is similarly zoned industrial.
- C. Review Process.** All industrial development and construction shall require Site Plan Review, by the Zoning Administrator, prior to the applicant's submittal for building or grading permits. All applications for Site Plan Review shall comply with the submittal requirements outlined in Section 3.6 of this Ordinance. The required fee shall accompany all applications.
- D. Development Standards.** The development regulations for each of the industrial zoning districts are outlined in Table No. 9. These standards provide certainty to property owners, developers, and neighbors about the limits of what is allowed.
- E. Compliance with other Provisions.**
1. General Provisions. The general provisions in Chapter 14 herein shall apply.
 2. Parking Regulations. The parking regulations in Chapter 15 herein shall apply.
 3. Signs. All signage shall comply with Chapter 16 herein.
 4. Outdoor Lighting. All outdoor lighting shall comply with Chapter 17 herein.
 5. Landscape Regulations. All landscaping shall comply with Chapter 18 herein.

Section 8.1 “L-I” Light Industrial Zoning District.

- A. Purpose.** The purpose of this Zoning District is to provide for a mix of light manufacturing uses, office park, and limited open land uses in an attractive business park setting with proper screening and landscaping; all compatible with adjoining uses. It is intended that this district allow for employment bases through the

establishment of high quality, planned industrial centers for corporate offices and indoor manufacturing uses.

B. Permitted Uses - “L-I” Zoning District.

1. Laboratories for research and product development.
2. Corporate offices/headquarters.
3. Broadcasting stations and studios and publishing facilities.
4. Assembling, fabrication, handling and packaging, treating, and renovating goods, merchandise, products and equipment, excluding agricultural products, provided that such uses shall conform to the following requirements;
 - a. The primary use of the property is not the basic processing and compounding of raw materials.
 - b. All activities pertaining to the actual manufacture or processing of the product involved shall be conducted entirely within an enclosed building(s).
 - c. All outdoor storage of material or equipment, as ancillary to the primary use, shall occupy the rear one-half (1/2) of the lot.
 - d. A masonry wall shall screen all outdoor storage of materials or equipment.
5. Limited retail commercial provided the product(s) sold at retail are the product(s) which are assembled, fabricated, handled, packaged, treated, or renovated as the primary use and the retail area does not exceed ten (10%) percent of the total gross floor area.
6. Hospitals and outpatient clinics.
7. Public or private substance abuse, detoxification and treatment centers, and recovery centers.
8. Agri-business and aquaculture business provided such businesses are conducted within a completely enclosed building or under a roofed structure that is screened from all adjacent properties and public view.
9. 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.
10. RV and boat storage facility provided any outdoor storage area is enclosed on all sides by a solid fence or wall at least six (6) feet in height.
11. Welding shops, contractors offices and contractors equipment yards provided the yard area is enclosed on all sides by a solid fence or wall at least six (6) feet in height and no supplies, products, materials or equipment are stacked higher than the fence or wall.

12. Product distributorships, wholesale and warehouse facilities; excluding transfer facilities for general freight.
13. Equipment sales and rental, farm equipment and supplies stores.
14. Outdoor display areas for the sale of new manufactured homes provided all units within public view and for public display shall be ground mounted, anchored and finished in a manner representative of the actual finished product.
15. Retail sales conducted outdoors as a primary use, such as but not limited to; swap meets, flea markets and auctions.
16. On-site child care center as an accessory use for the permitted industrial business. The facility shall comply with the State of Arizona Department of Health Services regulations for licensing.
17. Mobile Food Vendors provided that such uses may not be located within any portion of the public right-of-way (including sidewalks).
18. Mobile Vendors provided that such uses may not be located within any portion of the public right-of-way (including sidewalks).
19. Religious Institutions.

C. Conditional Uses - "L-I" Zoning District.

1. Travel plazas or truck stops subject to the following:
 - a. The lot or parcel for the travel plaza/truck stop use shall be no more than 500 feet from a state or federal highway interchange or right-of-way.
 - b. The minimum lot or parcel size shall be twenty (20) acres.
 - c. All off-site public roadway improvements, including but not limited to: 1) right and left turn lanes and; 2) driveway and access points shall be in compliance with the American Association State Transportation and Highway Officials standards (AASTHO).
 - d. On-site improvements, including but not limited to: 1) turning radius; 2) drive aisle dimensions and; 3) parking stall dimensional standards shall be in compliance with the AASTHO standards.
 - e. Any fuel dispenser, perimeter of underground storage tanks or pumps shall be a minimum of one hundred (100') feet from any residential zoning district and at least forty (40') feet from any property line or public right-of-way line.
 - f. All vehicular parking along with the necessary maneuvering areas, drive aisles and driveways shall be contained on the same parcel or lot and

- shall be paved with asphalt or concrete to a sufficient thickness to withstand repeated vehicular traffic.
- g. A fifteen (15') foot wide landscaped buffer area shall be provided along all property lines. There shall be no parking permitted within this buffer area.
 - h. Outdoor lighting standards shall be fully shielded, shall not exceed a height of thirty (30') feet, and shall be in compliance with the regulations of Chapter 17 of this Ordinance.
 - i. A masonry sound attenuation wall of at least six (6') feet shall be installed along all property lines that abut or are adjacent to a residential zoning district or use.
 - j. Semi-truck washes and/or semi-truck polishing, semi-truck servicing, or semi-truck tires only when ancillary to an approved travel plaza/truck stop. All truck washing and/or polishing shall be under a canopied bay and all truck engine repairs shall be under a roofed structure if such amenities are provided.
 - k. A minimum of one (1) toilet, one (1) sink, and one (1) hot shower provided for men and one (1) toilet, one (1) sink, and one (1) hot shower provided for women, each designed for complete privacy, for each twenty (20) truck parking spaces provided or fraction thereof.
 - l. A common use laundry facility shall be provided at a ratio of one (1) washer and one (1) dryer for each twenty (20) truck parking spaces provided or fraction thereof.
 - m. Parking stalls shall be in accordance to the parking standards in Chapter 15 of this Ordinance
- 2. Social health related services such as plasma centers, charity dining services, homeless shelters, day labor hiring centers, rescue missions, and other similar social service uses.
 - 3. Warehouse and transfer facilities for general freight.
 - 4. Public or private detention and correctional facilities and only after it has been found to be in compliance with all applicable Federal and State regulations.
 - 5. Wireless communication towers and antennas in accordance with the requirements of Chapter 19 of this Ordinance.
 - 6. Sexually Oriented Business. Subject to Section 7.4 Sexually Oriented Businesses of the City of San Luis City Code.
 - 7. Medical marijuana dispensary, subject to the requirements found in Section 14.15 Medical Marijuana Uses.
 - 8. Medical marijuana dispensary offsite cultivation location, subject to the

requirements found in Section 14.15 Medical Marijuana Uses.

D. Temporary Uses - “L-I” Zoning District.

1. A temporary asphalt and/or cement batch plant, or construction equipment storage yard, when in conjunction with a state or federal highway or public roadway project, provided they are not located within the public right-of-way.
2. Seasonal sale lots, such as but not limited to, pumpkin and Christmas tree sales lots with appropriate dust control abatement.

E. Site Design Standards - “L-I” Zoning District.

1. All new industrial developments (subdivisions) shall be subject to all requirements set forth in the San Luis Subdivision Ordinance.
2. Parking areas adjacent to the required front yard shall be screened by a decorative wall or landscape berm or combination thereof to a height not to exceed three (3) feet in order to adequately screen the parked vehicles. All required front and street side yards shall be landscaped and shall not be used for parking, maneuvering, product display or drive aisle other than for the necessary points of ingress and egress.
3. Trash and refuse collection containers shall be screened with a six (6) foot decorative wall. Trash and refuse containers should be located such that they are not the visual focal point of a driveway or parking area, or cannot be viewed from a public street. Refuse locations in highly visible locations shall provide latching gates for screening the opening to the enclosure.
4. Building site details related to utility boxes, transformers, generators, chiller farms, mailboxes, trash bins and air conditioning units shall be integrated into the overall design of the building and/or development and screened from view, yet remain accessible for servicing.
5. Service and loading bays should be oriented away from adjacent residential zoning districts and should not front onto or be visible from the public street.
6. All activities not within an enclosed building and all outside storage areas shall be screened from the public street view and adjacent residential, office, and commercial uses with a minimum six (6) feet high solid wall or fence. Materials shall not be stacked, piled, or stored in such a manner as to project above the screen wall.
7. A perimeter decorative wall, a minimum of six (6) feet in height, shall be required along and adjacent to the side or rear property line of an industrial development that abuts a residential district whether separated by an alley or not. Any access gates shall be constructed of opaque material to provide effective site screening.
8. The exterior side of all perimeter walls shall be decoratively treated to match the architectural style and design of the industrial building/development.

9. Mechanical equipment, electrical meter and service components, and similar utility devices, whether ground level or roof mounted, shall be screened from public view and designed to appear as an integral part of the building. The mechanical equipment screening shall be included in the overall building height. Mechanical equipment shall be treated to be non-reflective.

F. Recommended Architectural Standards - “L-I” Zoning District.

1. All exterior elevations (360° architecture) should provide architectural detailing; not just the front elevation.
2. Exterior building design, as well as architectural details related to color, patterning, finish, type and application of materials and building form, should be coordinated for all elevations of a building to achieve harmony and continuity of design on all elevations.
3. The building materials of a project shall be durable, require low maintenance, and be of a substantial quality. The City strongly encourages all new buildings to meet LEED (Leadership in Energy and Environmental Design) certification standards.
4. The use of metal or corrugated metal should only be used as an architectural accent or decorative element and not as the primary building material.
5. Mirrored surfaces or any treatment that changes ordinary glass into a mirrored surface are prohibited. Metallic surfaces, including roof materials, should be chemically treated to be non-reflective.
6. Subtler, less intense colors should be used on larger, more plain-looking buildings, while the use of a greater variety and intensity of color should be reserved for smaller structures. Color should be used to accent entryways and special architectural features of a building.
7. Full roof architecture utilizing simple and varied roof forms is encouraged for all new industrial development; while long, continuous mansard roofs, false mansard roofs, large expanses of flat roofs and veneer (false-front) parapets are discouraged. Parapet walls shall be designed and constructed in a manner to appear as a solid, three-dimensional form rather than a veneer.

G. Open Space Standards - “L-I” Zoning District.

1. Open space shall be required for all new developments, based on the net area of the development, as delineated in Table No. 8. The required on-site parking areas/lot and outdoor storage areas shall not be calculated as open space. However, building setbacks, street frontage, and on-site retention areas may be calculated as open space if those areas are landscaped.
2. An industrial development, developed as an industrial subdivision, shall provide the minimum net acreage, as delineated in Table No. 8, on a subdivision basis through the subdivision process.

Section 8.2 “H-I” General Industrial Zoning District.

A. Purpose. The purpose of this Zoning District is to provide for areas of heavy and concentrated fabrication, manufacturing, processing and open land uses appropriately screened and landscaped. It is intended that this district provide adequate space for industrial operations and related activities so that the economic base of the city may be strengthened and employment opportunities expanded while protecting residential and commercial land uses from objectionable encroachments and negative impacts.

B. Permitted uses - “H-I” Zoning District.

1. Those uses permitted in the “L-I” Light Industrial Zoning District.
2. Manufacturing and assembly of furniture, apparel, glass, stone, clay, leather, plastic, metal or concrete products.
3. Truss plant.
4. Open storage yards for the storage of boats, trailers, recreational vehicles, tour buses and farm worker buses provided that there is no storage of abandoned, damaged, or junked boats, trailers, recreational vehicles, or buses and that a six (6) foot decorative wall screens the open storage yard area.
5. Heavy equipment repair, sales and rentals provided equipment is stored in a transportable position.
6. Farm equipment and implement repair, sales and rentals.
7. Construction offices and construction equipment storage yards provided that the construction equipment storage yards are screened with an eight (8) foot high solid masonry wall.
8. Retail and wholesale lumber yard, including incidental millwork.
9. Bulk sales of landscape construction materials and rock products.
10. Public or private detention and correctional facilities and only after it has been found to be in compliance with all applicable Federal and State regulations.
11. Warehouse and transfer facilities for general freight.
12. General aviation airports and related activities, including heliports and crop dusting planes.
13. Aircraft related uses, including air transport of goods and materials, aviation lessons, and fixed base operations.
14. Mobile Food Vendors provided that such uses may not be located within any portion of the public right-of-way (including sidewalks).
15. Mobile Vendors provided that such uses may not be located within any portion of the public right-of-way (including sidewalks).

16. Religious Institutions.

C. Conditional Uses – “H-I” Zoning District.

1. Sexually Oriented Businesses, subject to the following conditions or limitations:
 - a. The proposed sexually oriented business shall not be established, operated or maintained within two thousand (2,000) feet from any public park or playground, school, day-care center, library, or religious or cultural activity.
 - b. The proposed sexually oriented business shall not be established, operated or maintained within two thousand (2,000) feet from any other sexually oriented business or any residential zone boundary.
 - c. Advertisements, displays or other promotional materials displaying or depicting “specified anatomical areas” or “specific sexual activities” shall not be shown or exhibited so as to be visible or audible to the public from adjacent streets, sidewalks or walkways or from other areas outside the establishment; and all building openings, entries and windows for sexually oriented businesses shall be located, covered or screened in such manner as to prevent the interior of such premises from being viewed from outside the establishment.
 - d. A sexually oriented business lawfully operating as a conforming use shall not be rendered a nonconforming use by the subsequent location of a residential district or residential use, public park or playground, day-care center, place of worship or assembly, or school within two thousand (2,000) feet of said adult-oriented use.
 - e. Such distances shall be measured between subject lot lines at their closest proximity on an aerial view without regard for intervening structures or topography.
 - f. A map showing the particular property or properties for which the application is being requested and the adjacent properties, buildings and structures, land uses, and public streets and ways within a radius of two thousand (2,000) feet of the exterior boundaries thereof shall be submitted along with the application for a Conditional Use Permit.
2. Recycling transfer stations or automated collection centers, municipal or county landfills.
3. Refining, processing, or packaging of organic matter, raw agricultural products, or edible food products.
4. Automobile wrecking and salvage yards, storage of junk automobiles and trucks, storage and processing of scrap metals provided that such uses shall conform to the following requirements;
 - a. The property shall be screened from neighboring properties and public

- view with an eight (8) foot solid masonry wall.
- b. No storage shall be visible above the wall.
- 5. Hazardous waste and bio-hazardous medical waste treatment facilities.
 - 6. Water and sewer treatment plants and utility generating plants.
 - 7. Extractive industries, including the removal of sand, rock, soil, gravel and including concrete or asphalt batch plants as an accessory use and including smelting only after it has been found to be in compliance with the following standards:
 - a. No excavation or processing of excavated materials shall be permitted within thirty (30) feet to the exterior boundaries and within one hundred fifty (150) feet to any residential zoned property or existing residence.
 - b. Material shall be excavated in such a manner so as to assure the convenient, efficient, and successful restoration of the land and to hold to a minimum any adverse effects to adjacent and surrounding land as a result of piling or storing the overburden material.
 - c. Material shall be excavated in such a manner that leaves a minimum of two (2) feet of undisturbed sand, gravel, or soil over the entire excavation tract to provide a water bearing strata for any ground water; or more if the required geological report indicates that it is necessary.
 - d. The excavation operator shall maintain haul roads within the premise covered by the permit and the perimeter public roads in a dust-free condition.
 - e. The hours of operation, unless otherwise specified by the City, shall not be prior to 6AM or after 10PM unless the City grants special permission, for temporary expansion of the hours.
 - f. Operations shall be conducted in such a manner that excavated areas will not collect or permit stagnant water to remain therein.
 - g. The required development plan shall indicate compliance with the above standards and shall include the following topographic information at a minimum of 5 foot contour intervals: (a) pre-excavation contours; (b) proposed excavation contours; (c) degree of slope of banks for all excavations; (d) location of any public facilities, irrigation canals, ditches, or streambeds; (e) post excavation re-use and contours.
 - 8. Wireless communication towers and antennas in accordance with the requirements of Chapter 19 of this Ordinance.

D. Temporary Uses - “H-I” Zoning District.

1. A temporary asphalt and/or cement batch plant, or construction equipment storage yard, when in conjunction with a state or federal highway or public roadway project, provided they are not located within the public right-of-way.

E. Site Design Standards - “H-I” Zoning District.

1. All new industrial developments (subdivisions) shall be subject to all requirements set forth in the San Luis Subdivision Ordinance.
2. Parking areas adjacent to the required front yard shall be screened by a decorative wall or landscape berm or combination thereof to a height not to exceed three (3) feet in order to adequately screen the parked vehicles. All required front and street side yards shall be landscaped and shall not be used for parking, maneuvering, product display or drive aisle other than for the necessary points of ingress and egress.
3. Trash and refuse collection containers shall be screened with a six (6) foot decorative wall. Trash and refuse containers should be located such that they are not the visual focal point of a driveway or parking area, or cannot be viewed from a public street. Refuse locations in highly visible locations shall provide latching gates for screening the opening to the enclosure.
4. Building site details related to utility boxes, transformers, generators, chiller farms, mailboxes, trash bins and air conditioning units shall be integrated into the overall design of the building and/or development and screened from view, yet remain accessible for servicing.
5. Service and loading bays should be oriented away from adjacent residential zoning districts and should not front onto or be visible from the public street.
6. All activities not within an enclosed building and all outside storage areas shall be screened from the public street view and adjacent residential, office, and commercial uses with a minimum six (6) feet high solid wall or fence. Materials shall not be stacked, piled, or stored in such a manner as to project above the screen wall.
7. A perimeter decorative wall, a minimum of six (6) feet in height, shall be required along and adjacent to the side or rear property line of an industrial development that abuts a residential district whether separated by an alley or not. Any access gates shall be constructed of opaque material to provide effective site screening.
8. The exterior side of all perimeter walls shall be decoratively treated to match the architectural style and design of the industrial building/development.
9. Mechanical equipment, electrical meter and service components, and similar utility devices, whether ground level or roof mounted, shall be screened from public view and designed to appear as an integral part of the building. The mechanical equipment screening shall be included in the overall building height. Mechanical equipment shall be treated to be non-reflective.

F. Recommended Architectural Standards - “H-I” Zoning District.

1. All exterior elevations (360° architecture) should provide architectural detailing; not just the front elevation.
2. Exterior building design, as well as architectural details related to color, patterning, finish, type and application of materials and building form, should be coordinated for all elevations of a building to achieve harmony and continuity of design on all elevations.
3. The building materials of a project shall be durable, require low maintenance, and be of a substantial quality. The City strongly encourages all new buildings to meet LEED (Leadership in Energy and Environmental Design) certification standards.
4. The use of metal or corrugated metal should only be used as an architectural accent or decorative element and not as the primary building material.
5. Mirrored surfaces or any treatment that changes ordinary glass into a mirrored surface are prohibited. Metallic surfaces, including roof materials, should be chemically treated to be non-reflective.
6. Subtler, less intense colors should be used on larger, more plain-looking buildings, while the use of a greater variety and intensity of color should be reserved for smaller structures. Color should be used to accent entryways and special architectural features of a building.
7. Full roof architecture utilizing simple and varied roof forms is encouraged for all new industrial development; while long, continuous mansard roofs, false mansard roofs, large expanses of flat roofs and veneer (false-front) parapets are discouraged. Parapet walls shall be designed and constructed in a manner to appear as a solid, three-dimensional form rather than a veneer.

G. Open Space Standards - “H-I” Zoning District.

1. Open space shall be required for all new developments, based on the net area of the development, as delineated in Table No. 8. The required on-site parking areas/lot and outdoor storage areas shall not be calculated as open space. However, building setbacks, street frontage, and on-site retention areas may be calculated as open space if those areas are landscaped.
2. An industrial development, developed as an industrial subdivision, shall provide the minimum net acreage, as delineated in Table No. 8, on a subdivision basis through the subdivision process.

TABLE NO. 8
Open Space Requirements – Industrial Zoning Districts
 (see Open Space definitions in Sec 1.12)

Zoning District	Open Space Required on an Individual Lot	Open Space Required for a Subdivision (minimum)
“L-I”	0%	3%
“H-I”	0%	3%

TABLE NO. 9
Development Standards - Industrial Zoning Districts

District	Min. District Size	Lot Area (Sq Ft)	Lot Width (Feet)	Bldg. Height (Feet)	Minimum Yard Setback (Feet)			Lot Coverage	
					Front	Side	Rear		
L-I	1 acre	10,000	80	60	15	5(a)	10	10(b)	60% max
H-I	2 acre	20,000	100	60	15	5(a)	10	10(b)	60% max

(a) If the property line or adjoining street abuts a residential zone the setback shall be 20 feet.

(b) If the property line or adjoining street abuts a residential zone the setback shall be 25 feet.

Article 2-6, Chapter 9 - Planned Unit Development Zoning District

Section 9.0 General Requirements – PUD Zoning District.

A. Purpose. The purpose of the Planned Unit Development (PUD) Zoning District is to provide both the City and the development community greater flexibility when developing a project, than might otherwise be permitted using conventional zoning, by establishing the associated development standards appropriate to the specific PUD. The intent is to encourage innovative design and to allow for a creative land use mix that will promote a more economical and efficient use of the land and a high-quality development reflective of the unique character and setting of the City of San Luis. The PUD Zoning District may be used for residential and mixed use projects. The Planned Unit Development District is further delineated in the following categories:

- “PUD” Planned Unit Development.

B. Criteria for Establishment. PUD Zoning Districts are permitted in accordance with the following provisions:

1. Rezoning to the PUD requires simultaneous approval of a specific plan of development.
2. The minimum land area for a PUD Zoning District shall be forty (40) or more contiguous acres and shall be under one (1) common ownership.
3. Any PUD Zoning District shall provide a minimum of five (5%) percent of the net acreage as open space regardless of the type of development or density.
4. The specific development standards for the PUD are to be suggested by the developer with the final determination approved by the City Council.
5. Compliance with the regulations of this Ordinance in no way excuses a property owner or a developer from the requirements of the Subdivision Ordinance if applicable.

C. Review Process. Requests for a PUD Zoning District shall require review and approval of the rezoning in accordance with Section 3.2 of this Ordinance. Minor modifications to an approved PUD development plan may be authorized by the Zoning Administrator without additional public hearings if such modifications are consistent in concept and character with the approved PUD. Major modifications of the approved PUD shall be reviewed and processed in accordance with the procedures for rezoning in Section 3.2 of this Ordinance. A modification shall be considered a major modification if it causes any of the following:

1. A change in the use or character of the development.
2. An increase in the intensity of use.
3. An increase in the overall project density.

4. A change in traffic circulation or public utilities.
5. A reduction in the overall percentage of approved open space, a change in the location or type of open space, or a major change in the type of amenities.
6. A reduction of off-street parking and loading space.
7. A reduction in required pavement widths.

D. Submittal Requirements.

1. Preliminary Development Plans. The following minimum information is required in addition to the requirements of Section 3.2 of this Ordinance:
 - a. “Conceptual - Design Guidelines”, prepared by a design team having professional competence in urban planning and a Registered Arizona Professional Civil Engineer, shall be submitted for the entire project and shall include a narrative and graphical description of the development character, site planning, architecture, integration of the development into its surroundings, and the landscaping that can be expected from the development.
 - b. A “Preliminary Landscape Plan” for all on-site and off-site, open space, trails, and retention area landscaping. This preliminary plan should also include information on: landscaping in compliance with Chapter 18 of this Ordinance; the proposed plant palette; the type and locations of paths and trails within and adjacent to the development; the location and elevation of any proposed fencing and walls; the location of any proposed street furniture or public art.
 - c. A preliminary sign package, including the location, size, illumination, number, design and type of the project signage.
 - d. A “Preliminary Drainage Report” that at a minimum indicates or delineates: the boundaries of on-site and off-site drainage areas; the proposed drainage patterns of the development and the pre-existing patterns; run-off factor and run-off data; retention volume and location of drainage easements. The City Engineer may request other data necessary to review the proposed development.
 - e. A preliminary traffic study, prepared by a Registered Professional Traffic Engineer or Civil Engineer, that at a minimum addresses on-site and off-site traffic flows, project impacts and mitigation measures, anticipated trip generations, and level of service. The City Engineer may request other data necessary to review the proposed development.
 - f. A phasing plan/schedule. If the project is to be developed in phases each phase shall be self-sufficient meeting the requirements, standards and conditions applicable to the project as a whole. Additionally, each phase of the project shall be self sufficient in regard to facilities, utilities, and services.

2. Final Development Plans. A final development plan may be submitted in lieu of a preliminary development plan provided that the necessary detailed plans are submitted. In addition to submitting the material outlined in Section 3.2 of this Ordinance, a final development plan submittal shall include, at a minimum, but not limited to the following materials for review:
 - a. All of the plans and reports required for a preliminary development plan review as outlined in Section 9.0(D)(1) above.
 - b. The final “Project Design Guidelines”, prepared by a design team having professional competence in urban planning and a Registered Arizona Professional Civil Engineer, shall be submitted in addition to specific site plans and building elevations. The projects’ design guidelines should further address the overall architectural theme, architectural diversity, relationship of buildings to each other and the land, wall and screening treatments, open space (both undisturbed and usable open space), and the projects’ management mechanisms and development CC&R’s.
 - c. A “Final Landscape Plan” shall include but not be limited to a detailed list of plant species, plant sizes, and specific quantities. The landscape plan shall depict specific plant locations, the type and location of all walls and fencing, proposed location and material types for paths and trails, identify the line of sight requirements, and any other information deemed necessary by the City to adequately review the final landscape plan.
 - d. A comprehensive sign package that includes information regarding the color(s), material(s), size, location, type of sign (e.g. attached, freestanding, kiosk, window, shingle, etc), letter samples for all of the types of proposed signage and any other information deemed necessary by the City to adequately review the comprehensive sign package.
 - e. A Final Drainage Report that is a complete report and not an addendum to the preliminary drainage report.
 - f. A copy of an approved permit required pursuant to Section 404 of the federal Clean Water Act if one is required for the development location.
 - g. If determined by the Zoning Administrator to be necessary, a copy of the economic feasibility study or market analysis for the proposed PUD development shall be submitted to and reviewed by the City.
- E. **Validity.** Approval of the “Preliminary Development Plan” is valid for a period of two (2) years from the date of City Council approval. Application for the “Final Development Plan” must be submitted to the City, along with the application fee and all required material list above, within two (2) years from the date of preliminary development plan approval or the City may revoke the preliminary development plan. Revocation shall be processed in accordance with the procedures established for rezoning as outlined in Section 3.2 of this Ordinance.
- F. **Compliance with Other Provisions.**

1. General Provisions. The general provisions in Chapter 14 herein shall apply.
2. Parking Regulations. The parking regulations in Chapter 15 herein shall apply.
3. Signs. All signage shall comply with Chapter 16 herein.
4. Outdoor Lighting. All outdoor lighting shall comply with Chapter 17 herein.
5. Landscape Regulations. All landscaping shall comply with Chapter 18 herein.

Section 9.1 “R-PUD” Residential PUD Zoning District.

A. Purpose. The purpose of the “R-PUD” zoning district is to provide both the City and the development community greater flexibility when developing a new residential project. The intent is to allow for a creative mix of different residential types, densities and housing choices and to encourage and support the mixed use of residential with small scale, well designed retail shops, professional offices and/or personal services in a neighborhood setting and at a residential scale.

B. Permitted Uses - “R-PUD” Zoning District.

1. Uses permitted as a matter of right in the Low Density Residential Zoning Districts (R1-35 and R1-20).
2. Uses permitted as a matter of right in the Medium Density Residential Zoning Districts (R1-12, R1-8, R1-6, and R1-5).
3. Uses permitted as a matter of right in the Medium High Density Residential Zoning Districts (“R-2”).
4. Religious Institutions.

C. Conditional Uses - “R-PUD” Zoning District.

1. Uses permitted as a matter of right in the “MU” Mixed Use Zoning District.
2. Public schools (K-12).
3. Private schools, including charter schools, with a curriculum substantially the same as customarily offered in public schools.
4. Publicly owned or operated library, museum, fire station, police station.
5. Assisted living facilities, nursing homes, congregate care facilities, convalescent homes and homes for the aged provided that the following standards shall apply:
 - a. A minimum of twenty-five (25) square feet of useable outdoor open space shall be required per bed and may be calculated as part of the overall open space required for the development.
 - b. The facility is licensed by the State of Arizona Department of Health

Services.

6. Wireless communication towers and antennas in accordance with the requirements of Chapter 19 of this Ordinance.

D. Temporary Uses- “R-PUD” Zoning District.

1. Model homes or temporary sales office pertaining to the sale of homes being constructed in the immediate subdivision. In the review for a model home or sales office, the City may consider lighting, landscaping, hours of operation, signage, parking, duration, and neighborhood impact. Approval may be granted for a two (2) year period, or until all lots in the subdivision are sold, whichever occurs first.
2. Temporary construction site trailer pertinent to the construction of the homes and public improvements within the immediate subdivision.
3. Temporary uses such as revivals, carnivals, circus, auctions, seasonal boutiques or tree lots with appropriate dust control abatement.

E. Design Standards - “R-PUD” Zoning District.

1. The “R-PUD” Zoning District shall not be used to exceed the residential target densities, identified in the General Plan, unless the developer provides creative site design, design innovation, diversity of lot sizes and dwelling types, an affordable housing component, additional open space or community amenities.
2. Each “R-PUD” development shall provide, at a minimum, two distinct variations to the residential densities and, depending on the size of the development, more variation in density may be required. Also each “R-PUD” development shall provide at least two distinct “dwelling types” (dwelling types does not equate to changes in elevations or floor plans).

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***Article 2-6, Chapter 10 – Manufactured Home
Zoning District***

Section 10.0 General Requirements – MH Zoning District.

- A. Purpose.** The purpose of the “MH” Manufactured Home Zoning District is to provide for a specific zone that will permit the placement and regulate the permanent installation of manufactured homes for occupancy as single residential dwellings within manufactured home subdivisions and/or manufactured home park developments. The intent of these provisions is to provide affordable and diversified housing opportunities within the City of San Luis while establishing and maintaining standards.
- B. General Provisions.**
1. A property owner seeking to develop a manufactured home subdivision or a manufactured home park (land-lease) development shall submit those materials outlined in Section 3.2 (E) of this Ordinance and in the Subdivision Ordinance; if applicable.
 2. A minimum of ten (10) acres shall be required to establish the “MH” Manufactured Home Zoning District.
 3. All manufactured homes shall be required to meet the most current HUD Code standards, be certified under the National Manufactured Housing Construction and Safety Standards Act of 1974, and comply with State of Arizona Office of Manufactured Housing regulations and all the provisions outlined in this Chapter and this Ordinance.
 4. A manufactured home shall not have been constructed more than ten (10) years prior to the date of application for building/installation permit.
 5. The use of an RV, Park Model, or site built structure as a residential dwelling is prohibited within the MH Zoning District.
 6. The storage of an abandoned and/or structurally damaged manufactured home is prohibited.
- C. Review Process.** The development of a manufactured home park shall require Site Plan Review, by the Zoning Administrator, prior to the applicant’s submittal for building or grading permits. Applications for site plan review shall comply with the requirements outlined in Sec 3.6 of this Ordinance. The development of a manufactured home subdivision shall be processed in accordance with the San Luis Subdivision Ordinance. The subsequent placement of the individual manufactured homes in either a MH subdivision or a MH park development shall require a building placement permit for every MH unit. All applications for a building placement permit shall comply with the requirements outlined in Section 10.3 of this Ordinance and the current building codes adopted by the city.

- D. Development Standards.** The development regulations for the “MH” Manufactured Home Zoning District are outlined in Table No. 11. These standards provide certainty to property owners, developers, and neighbors about the limits of what is allowed.
- E. Compliance with Other Provisions.**
 - 1. General Provisions. The general provisions in Chapter 14 herein shall apply.
 - 2. Parking Regulations. The parking regulations in Chapter 15 herein apply.
 - 3. Signs. All signage shall comply with Chapter 16 herein.
 - 4. Outdoor Lighting. All outdoor lighting shall comply with Chapter 17 herein.
 - 5. Landscape Regulations. All landscaping shall comply with Chapter 18 herein.

Section 10.1 Manufactured Home Subdivisions.

- A. Permitted Uses (subdivisions).** Permitted uses in the “MH” Manufactured Home Zoning District, if developed as a MH Subdivision, shall be only the following uses:
 - 1. One (1) single-dwelling manufactured home per lot.
 - 2. Public and private parks and playgrounds.
 - 3. Public or private golf courses and associated recreational amenities and facilities.
 - 4. Public and private utility installations for gas, electric, water, wastewater or communications including booster stations and lift stations.
 - 5. Child care, home-based. Home-based child care shall comply with the State of Arizona Department of Health Services regulations for licensing.
 - 6. Home occupations as prescribed in Chapter 14 of this Ordinance.
 - 7. Accessory buildings and accessory uses as prescribed in Chapter 14 of this Ordinance.
 - 8. Religious Institutions.
- B. Conditional Uses (subdivisions).** Conditional uses in the “MH” Manufactured Home Zoning District, if developed as a MH subdivision, shall be only the following uses:
 - 1. Publicly owned or operated fire station, police station.
 - 2. Wireless communication towers and antennas in accordance with the requirements of Chapter 19 of this Ordinance
- C. Site Design Standards (subdivisions).**

1. All subdivisions shall be designed and processed in accordance with the San Luis Subdivision Ordinance.
2. All manufactured home single-dwelling units subsequently placed on the individual lots shall comply with all provisions outlined in Section 10.1(D) below and shall require a building placement permit (see Sec. 10.3 for details).
3. Public utilities, including water and sewer service, shall be extended to each manufactured home lot. All utilities within the development shall be located underground; and both the water and sewer systems shall be connected to the public system serving the City of San Luis.
4. Manufactured home subdivisions shall be designed and built with public streets.
5. All manufactured home subdivisions, at the time of subdivision development and on a subdivision basis, shall provide open space as denoted in Table No. 10. Open space shall be calculated on net acres; defined as the total acres exclusive of the area required for arterial or collector street right-of-way dedications and public site reservations.

D. Recommended Architectural Standards (subdivisions).

1. The individual manufactured homes should be designed and situated to assure similarity in exterior appearance, and in keeping with, the architectural character of site built dwellings and the character of the surrounding neighborhood in general.
2. The residential structure should have a strong relationship to the neighborhood street. A walkway from the street to the front entry is strongly encouraged.
3. Front porches and courtyards are strongly encouraged and should provide a pedestrian connection, other than the driveway, to the street.
4. All buildings and/or structures in conjunction with a permitted or conditional use, other than the single-dwelling manufactured home, shall be of conventional (site-built) construction.
5. Minimum Width. The placement of a double-wide or twenty-four (24') feet wide unit, exclusive of any garage or carport area, is strongly encouraged on an individual lot within a MH Subdivision.
6. Grading. Unless the topography of a particular lot precludes it, the manufactured home shall be installed no higher from grade than eighteen (18") inches (from ground to frame) on the highest side; and not less than twelve (12") inches on the low side. The building official is authorized to approve minor deviations from the height requirement after inspection of the property to determine such deviation is necessary because of lot conformity.
7. Foundations. The manufactured home shall be pit set and placed on an excavated foundation with permanent stem wall so that the home appears to have a foundation wall similar in appearance and kind to conventional site built homes. Such installation shall render the dwelling no more portable than if it were constructed totally on-site.

8. Exterior Building Materials. The exterior building façade including the trim, doors, windows, roof fascias, and the like, shall consist of wood, stucco, horizontal siding, brick, masonry veneer, or other facsimile of a building material commonly used in site-built residential construction; provided however, that metal siding, other than aluminum lap siding, shall be prohibited. Patio covers and detached storage buildings shall be exempt from this requirement.
9. Roof Structure and Materials. All roof structures shall be sloped and provide an eave projection of no less than six (6) inches and no greater than twenty-four (24) inches. Unfinished galvanized steel, unfinished aluminum, wood shake shingles, or fiberglass/asphalt shingles less than 325 lbs. /100 sq. ft. shall not be permitted.
10. Mechanical equipment. All manufactured home running gear, tongues, axles, and wheels must be removed at the time of installation. Mechanical equipment such as electrical meter, coolers and air conditioning units, service components, water filters, propane tanks, and similar devices, whether ground level or wall mounted shall be screened from public view and designed to appear as an integral part of the building.
11. Garage or Carports. The manufactured home shall have at a minimum a single car garage or carport the design and materials of which shall be compatible with the main structure.
12. Accessory Structures. Uncovered porches, decks, or verandas are permitted on the side and rear of the home provided they meet the setback requirements of this Ordinance.
13. Steps. If the dwelling unit has steps leading to the front entry the steps shall be attached to a permanent foundation and designed and constructed to be an integral part of the exterior of the dwelling unit.
14. Anchor Ties. The structure shall be anchored to the ground, in accordance with approved manufactured home installation standards for high wind areas.
15. Additions. All additions and alterations shall be in compliance with the current Building Code as adopted by the City or in compliance with the most current HUD Code standards and the housing manufacture’s specifications; whichever is more restrictive.

Section 10.2 Manufactured Home Park.

- A. **Permitted Uses (park developments).** Permitted uses in the “MH” Manufactured Home Zoning District, if developed as a MH Park Development (land-lease), shall be only the following uses:
 1. One (1) single-dwelling manufactured home per designated space.
 2. Parks and playgrounds.
 3. Golf courses and associated recreational amenities and facilities.

4. Public and private utility installations for gas, electric, water, wastewater or communications including booster stations and lift stations.
5. Child care, home-based. Home-based child care shall comply with the State of Arizona Department of Health Services regulations for licensing.
6. Religious Institutions.
7. Home occupations as prescribed in Chapter 14 of this Ordinance.
8. Accessory buildings as prescribed in Chapter 14 of this Ordinance.

B. Conditional Uses (park developments). Conditional uses in the “MH” Manufactured Home Zoning District, if developed as a MH Park Development, shall be only the following uses:

1. Wireless communication towers and antennas in accordance with the requirements of Chapter 19 of this Ordinance despite ownership.

C. Site Design Standards (park developments).

1. All manufactured home parks shall require Site Plan Review in accordance with Section 3.6 of this Ordinance and may be reviewed concurrently with the rezoning request.
2. All units subsequently placed on the individual spaces shall comply with all provisions outlined in Section 10.2(D) below and shall require a building placement permit (see Sec. 10.3 for details).
3. A solid perimeter wall, six (6) feet in height, shall be constructed around the entire manufactured home park development.
4. No individual manufactured home space shall have direct vehicular access to a public street outside of the park development.
5. Public utilities, including water and sewer service, shall be extended to each space within the park. All utilities within the park development shall be located underground; and both the water and sewer systems shall be connected to the public system serving the City of San Luis.
6. Manufactured home park developments shall be improved with paved private streets built to City specifications.
7. All manufactured home parks shall provide open space as denoted in Table No 10. Open space shall be calculated on net acres; defined as the total acres exclusive of the area required for adjacent arterial or collector street right-of-way dedications, public site reservations and private streets. Open space areas may include active recreational areas such as community buildings, swimming pools, play areas or passive park space.

D. Recommended Architectural Standards (park developments).

1. Minimum Width. The minimum width of the main portion of the structure should be 14 feet (single-wide), exclusive of any garage or carport area, as measured across the narrowest portion.
2. Grading. Unless the topography of a particular lot precludes it, the manufactured home should be installed no higher from grade than eighteen (18") inches (from ground to frame) on the highest side; and not less than twelve (12") inches on the low side. The building official is authorized to approve minor deviations from the height requirement after inspection of the property to determine such deviation is necessary because of lot conformity.
3. Foundations. The manufactured home should be pit set or ground set and placed on an excavated foundation with permanent stem wall so that the home appears to have a foundation wall similar in appearance and kind to conventional site built homes. Such installation shall render the dwelling no more portable than if it were constructed totally on-site.
4. Exterior Building Materials. The exterior building façade including the trim, doors, windows, roof fascias, and the like, shall consist of wood, stucco, horizontal siding, brick, masonry veneer, or other facsimile of a building material commonly used in site-built residential construction; provided however, that metal siding, other than aluminum lap siding, shall be prohibited. Patio covers and detached storage buildings shall be exempt from this requirement.
5. Roof Structure and Materials. All roof structures shall be sloped and provide an eave projection of no less than six inches and no greater than twenty-four (24") inches. Unfinished galvanized steel, unfinished aluminum, wood shake shingles, or fiberglass/asphalt shingles less than 325 lbs. /100 sq. ft. shall not be permitted.
6. Mechanical equipment. All manufactured home running gear, tongues, axles, and wheels must be removed at the time of installation. Mechanical equipment such as electrical meter, coolers and air conditioning units, service components, and similar devices, whether ground level or wall mounted shall be designed to appear as an integral part of the building.
7. Garage or Carports. The manufactured home shall have at a minimum a single car garage or carport the design and materials of which shall be compatible with the main structure.
8. Accessory Structures. Uncovered porches, decks, or verandas are permitted on the side and rear of the home provided they meet the setback requirements of this Ordinance.
9. Steps. If the dwelling unit has steps leading to the front entry the steps shall be attached to a permanent foundation and designed and constructed to be an integral part of the exterior of the dwelling unit.
10. Anchor Ties. The structure shall be anchored to the ground, in accordance with approved manufactured home installation standards for high wind areas.
11. Additions. All additions and alterations shall be in compliance with the current Building Code as adopted by the City or in compliance with the most current HUD

Code standards and the housing manufacture's specifications; whichever is more restrictive.

12. All buildings and/or structures in conjunction with a permitted or conditional use, other than the single-dwelling manufactured home, shall be of conventional (site-built) construction.

Section 10.3 Building Placement Permit.

- A.** The property owner seeking to place a manufactured home on either an individual subdivision lot or in a space within a manufactured home park (land-lease) development shall be required to obtain a manufactured home building placement permit prior to the installation of the manufactured home. As part of the building placement permit application to the Building Department the owner shall submit the additional following materials for review and approval:
 1. Complete site plan of the lot or space. If the manufactured home is proposed to be placed in a manufactured home park, a map of the park showing all existing spaces and points of access shall also be required.
 2. Elevations or color photographs of all sides of the structure.
 3. Roof slope (expressed in a ratio horizontal to vertical feet) and roofing material description.
 4. Description of any proposed additions or alterations including photographs where possible.
 5. Description of the exterior finish including materials and colors.
- B.** The manufactured home shall be reviewed for compliance with the Recommended Architectural Standards in either Section 10.1(D) or Section 10.2(D); whichever is applicable. Additionally, the manufactured home shall be reviewed for compliance with the specific standards and conditions of the zoning as approved by the City Council for the specific development.
- C.** The Zoning Administrator may approve deviations from one or more of the developmental or architectural standards provided herein on the basis of finding that the materials to be utilized or the architectural style proposed for the dwelling would be compatible and harmonious with existing structures in the vicinity.
- D.** If the Zoning Administrator determines that a manufactured home is not in compliance with any of the architectural requirements of either Section 10.1(D) or Section 10.2(D), the application may be referred to the Board of Adjustment for final review.
- E.** The Board of Adjustment shall consider the manufactured home application and the Zoning Administrators report. If satisfied that all of the criteria have been met, the Board may approve the application. If the Board finds that any one of the stated criteria has not been met, the Board may deny the application.

TABLE NO. 10
Open Space Requirements – Manufactured Home Zoning District
 (see Open Space definitions in Sec. 1.12)

Zoning/Land Use	Open Space Required (minimum)
“MH” Subdivision	5%
“MH” Park	5%

TABLE NO. 11
Development Standards – Manufactured Home Zoning District

Zoning (Use)	Min. District Size	Lot Area (Sq Ft)	Lot Width (Feet)	Bldg. Height (Feet)	Minimum Yard Setback (Feet)				Lot Coverage
					Front	Side	Street Side	Rear	
MH (Subdivision)	10 acres	35,000	100	30	15 & 15	30	40	30%	max.
MH (Subdivision)	10 acres	20,000	100	30	10 & 10 (a)	15	30 (a)	40%	max.
MH (Subdivision)	10 acres	12,000	80	30	7 & 7 (a)	10	25 (a)	45%	max.
MH (Subdivision)	10 acres	8,000	70	30	7 & 7 (a)	10	20 (a)	50%	max.
MH (Subdivision)	10 acres	6,000	60	30	7 & 7 (a)	10	10 (a)	50%	max.
MH (Subdivision)	10 acres	5,000	50	30	5 & 5 (a)	10	10 (a)	50%	max.
MH (Park)	10 acres	3,000	40	30	5 & 5 (a)	10	10 (a)	50%	max.

(a) Increased setbacks for institutional or public uses allowed with a C.U.P. shall be increased. In such cases setbacks shall be one (1) foot for every two (2) foot of building height, but in no case less than twenty (20) feet.

***Article 2-6, Chapter 11 – Recreational Vehicle
Zoning District***

Section 11.0 General Requirements – RV Zoning District.

- A. Purpose.** The purpose of the “RV” Recreational Vehicle Zoning District is to provide for a specific zone that will permit recreational vehicle parks and subdivisions which are suitably developed for the placement and occupancy of recreational vehicles for residential purposes on rented, leased, or owned spaces with the necessary accessory uses and amenities. The intent of these regulations is to enable the development of unique, well-planned projects incorporating a variety of vehicle-based housing for permanent or seasonal occupancy. It is also the intent of this chapter to provide adequate regulations to preserve the residential character of the development and to prohibit inappropriate and incompatible land uses.
- B. General Provisions.**
1. A property owner seeking to develop a recreational vehicle park and/or subdivision shall submit those materials outlined in Section 3.2 (E) of this Ordinance and those materials outlined in the Subdivision Ordinance; if applicable.
 2. A minimum of five (5) acres shall be required to establish the “RV” Recreational Vehicle Zoning District.
 3. Manufactured homes or site-built dwelling units shall be prohibited within the “RV” Zoning District; unless otherwise specified herein..
 4. An RV park and/or RV subdivision may be advertised and rented or sold under age specific restrictions for persons fifty (50) years of age or older in compliance with the provisions of the Arizona Fair Housing Act, the Federal Fair Housing Act, and the Housing for Older Persons Act of 1995 as they may hereafter be amended.
- C. Review Process.** The development of a recreational vehicle park shall require Site Plan Review by the Zoning Administrator prior to the applicant’s submittal for building or grading permits. Applications for site plan review shall comply with the requirements outlined in Sec 3.6 of this Ordinance. The development of a recreational vehicle subdivision shall be processed in accordance with the San Luis Subdivision Ordinance. The subsequent placement of a “park model” unit on a RV subdivision lot shall require a building placement permit for the park model unit. All applications for a building placement permit shall comply with the requirements outlined in Section 11.3 of this Ordinance and the current building codes adopted by the city.
- D. Development Standards.** The development regulations required for recreational vehicle subdivision lots and parks are outlined in Table No. 13 contained herein. These standards provide certainty to property owners, developers and neighbors about the limits of what is allowed.

E. Compliance with Other Provisions.

1. General Provisions. The general provisions in Chapter 14 herein shall apply.
2. Parking Regulations. The parking regulations in Chapter 15 herein apply.
3. Signs. All signage shall comply with Chapter 16 herein.
4. Outdoor Lighting. All outdoor lighting shall comply with Chapter 17 herein.
5. Landscape Regulations. All landscaping shall comply with Chapter 18 herein.

Section 11.1 Recreational Vehicle Parks.

A. Permitted Uses.

1. One (1) recreational or park model vehicle on each approved space.
2. Manager's office and residence; which may be of conventional (site-built) construction.
3. Recreation and social centers, which may be used for dancing, crafts, hobbies, games, child care, meetings, banquets, theatrical performances, movie viewing, and similar entertainment uses which are intended and used as a resident amenity. Such facility shall be of conventional (site-built) construction.
4. Outdoor recreation facilities, such as parks, swimming pools, ramadas, playground equipment, shuffleboard and tennis courts, putting greens, and similar recreational uses.
5. Designated areas for boat and recreational vehicle storage; which are used solely by the residents of the park.
6. Common use laundry facilities, maintenance building, and security guard building; which may be of conventional (site-built) construction.

B. RV Park - Site Design Standards.

1. There shall be a maximum density of twenty (20) spaces per acre.
2. A minimum of five (5%) of the net acres shall be required to be in open space. The recreational and social center, outdoor recreational facilities and perimeter landscaping areas may be calculated as part of the required open space. Private streets and vehicle and boat storage areas shall not be included when calculating required open space.
3. Perimeter landscaping shall be provided in accordance with the Chapter 18 of this Ordinance.
4. A perimeter decorative solid wall, six (6) feet in height, shall be constructed around the entire RV Park. Such wall shall be placed on the interior side of the

required perimeter landscape strip.

5. RV park developments shall be improved with paved private streets built to City specifications. Private streets shall be maintained by the private owner of the RV Park.
6. No RV space within the park shall have direct access to a public street outside of the development.
7. Each lot/space shall have water and sewer hook-ups per City approval.
8. Each development must provide an adequate and easily identifiable manager's office and registration area. The location of the office shall not interfere with the normal flow of traffic into and out of the development.
9. The minimum width of a RV space shall be thirty (30) feet with a separation between structures of six (6) feet.
10. Each designated space shall have an asphalt or concrete pad sixteen (16) feet in width centered on the space for the parking of the RV. This pad shall directly connect to the paved street system of the RV Park. There shall be no RV parking other than on the paved surface area within the designated space. The length of the paved pad area, within each space shall not be less than forty-five (45) feet in length.
11. All awnings and pull-out sections of the RV shall be contained within the space.
12. Each RV unit shall be equipped with wheels, which remain on the unit; however, the wheels may be blocked for stability.
13. Restroom and shower facilities shall be provided separately for men and for women. A common laundry facility shall be provided at a ratio of one (1) washer and one (1) dryer for each twenty (20) spaces or fraction thereof.

Section 11.2 Recreational Vehicle Subdivisions.

A. Permitted Uses.

1. One (1) recreational vehicle or one (1) park model on each approved lot.
2. Manager's office and residence; which may be of conventional (site-built) construction.
3. Recreation and social centers, which may be used for dancing, crafts, hobbies, games, child care, meetings, banquets, theatrical performances, movie viewing, and similar entertainment uses which are intended and used as a resident amenity. Such facility shall be of conventional (site-built) construction.
4. Outdoor recreation facilities, such as parks, swimming pools, ramadas, playground equipment, shuffleboard and tennis courts, putting greens, and similar recreational uses.

Recreational Vehicle Zoning District

5. Designated areas for boat and recreational vehicle storage; which are used solely by the lot owners within the RV subdivision.
6. Common use laundry facilities, maintenance building, and security guard building; which may be of conventional (site-built) construction.
7. Detached storage building, subject to:
 - a. Limited to a maximum area of one hundred twenty (120) square feet.
 - b. Limited to a maximum height of ten (10) feet.
 - c. Must be located within the buildable area of the lot or placed in the rear one-quarter of the lot setback a minimum of three (3) feet from the rear or side property line and separated from any part of the recreational vehicle by at least six (6) feet.
8. Porches or decks, subject to:
 - a. Only one (1) per lot.
 - b. Porches or decks may be covered but not permanently enclosed.
 - c. Convenience electric outlets may be installed

B. RV Subdivision - Site Design Standards.

1. There shall be a maximum density of fourteen (14) lots per acre.
2. All subdivisions shall be designed and processed in accordance with the San Luis Subdivision Ordinance.
3. A minimum of five (5%) of the net acres shall be required to be in open space. The recreational and social center, outdoor recreational facilities and perimeter landscaping areas may be calculated as part of the required open space. The interior public streets of the subdivision and vehicle and boat storage areas shall not be included when calculating required open space.
4. A perimeter solid decorative wall, six (6) feet in height, shall be constructed around the entire RV subdivision. Such wall shall be placed on the interior side of the required perimeter landscape strip.
5. RV subdivisions shall be designed and improved with public streets built to City standards.
6. No RV lot within the subdivision shall have direct access to a public street outside of the subdivision.
7. Public utilities, including water and sewer service, shall be extended to each lot. All utilities within the development shall be located underground; and both the water and sewer systems shall be connected to the public system serving the

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8. Each lot shall have an asphalt or concrete pad on the lot for the parking of the RV or park model. There shall be no RV parking other than on a paved surface on the individual lots.
9. The RV unit or park model shall be equipped with wheels, which remain on the unit; however, the wheels may be blocked for stability.
10. The development standards for each lot shall be as outlined in Table No 13.

TABLE NO. 12
Open Space Requirements – Recreational Vehicle Zoning District
 (see Open Space definitions in Sec. 1.12)

Zoning/Land Use	Open Space Required
“RV” Subdivision	5%
“RV” Park	5%

TABLE NO. 13
Development Standards – Recreational Vehicle Zoning District

	Lot Size (square feet)	Min. District Size	Lot Width (Sq Ft)	Lot Coverage (maximum)	Minimum Yard/Space Setback (Feet)		
					Front	Side	Rear
RV Park	3,000	5 acres	40	70% (a)	10	7 & 7	10
RV Subdivision	3,000	5 acres	40	70% (a)	10	7 & 7	10

(a) Lot coverage shall include the area encumbered by the RV or Park Model when parked on the lot and any porches, decks, or storage buildings.

Article 2-6, Chapter 12 – Open Space Zoning Districts

Section 12.0 General Requirements – Open Space Zoning Districts.

- A. Purpose.** The purpose of the open space zoning districts are to conserve and protect open spaces, desert washes and flood plains, prime agricultural lands, and lands agreed to be left undeveloped through the plan approval process. The primary purpose of designating these areas is to raise the degree of assurance that designated open space for conservation and recreational areas will remain open as well as to further the goals and objectives of the San Luis General Plan. The Open Space Districts are further delineated in the following categories:
- “OSC” Open Space Conservation.
 - “OSR” Open Space Recreational.
- B. Development Standards.** The development regulations for each of the open space zoning districts are outlined in Table No. 14. These standards provide certainty to property owners, developers, and neighbors about the limits of what is allowed.
- C. Compliance with other Provisions.**
1. General Provisions. The general provisions in Chapter 14 herein shall apply.
 2. Parking Regulations. The parking regulations in Chapter 15 herein apply.
 3. Signs. All signage shall comply with Chapter 16 herein.
 4. Outdoor Lighting. All outdoor lighting shall comply with Chapter 17 herein.
 5. Landscape Regulations. All landscaping shall comply with Chapter 18 herein.

Section 12.1 “OSC” Open Space Conservation Zoning District.

- A. Purpose.** The purpose of this zoning district is to conserve natural or historic wetland areas, historic or archeological sites, open space lands for passive recreation within the community, and to promote the retention of the community’s agricultural heritage through preservation of large, working farms or ranches in appropriate locations with spacious buffering affording transition for the mitigation of negative impacts upon or from agricultural operations.
- B. Permitted Uses - “OSC” Zoning District.**
1. Growing and harvesting of field crops, trees, flowers and vegetables.
 2. Nurseries for the propagation and growing of plants, trees, bushes, flowers, and vegetables and other food crops; without an on-site retail or wholesale component.
 3. Public or community gardens.

4. Cemeteries, crematoriums, columbaria and mausoleums.
5. Undeveloped natural land.
6. Archaeological sites, historic sites, or habitat management areas.
7. A single dwelling in conjunction with the growing and harvesting of field crops, trees, flowers and vegetables.
8. A single dwelling for on-site security when in conjunction with an archeological or historic site.

C. Conditional Uses - “OSC” Zoning District.

1. A visitor center operated in conjunction with an archaeological or historic site.
2. Mortuary when in conjunction with an on-site cemetery, crematorium, columbaria or mausoleum.

Section 12.2 “OSR” Open Space Recreational Zoning District.

A. Purpose. The purpose of this zoning district is to provide for land uses in areas that are generally subject to periodic flooding or have been set aside to serve recreational functions or to provide open space areas.

B. Permitted Uses - “OSR” Zoning District.

1. Golf course, including clubhouse and driving range located thereon, but not including miniature golf courses or stand-alone practice driving ranges, operated for commercial purposes, when not associated with a golf course.
2. Public parks, including but not limited to, picnic grounds, playgrounds, athletic playing fields, swimming pools, golf courses, fairgrounds, and rodeo grounds.
3. Paved or unpaved trails or pathway systems for use by hikers, bicyclists, pedestrians and equestrians; including trailheads for such uses.
4. Manmade water features and watercourses, canals, dams, and retention areas.
5. Community activity centers, art centers and museums for group assembly, display, and exhibition.
6. Public or private arboretums, wildlife reserves or sanctuaries.
7. Utility services, but not including offices, treatment plants, generating stations, sub-stations, switching or splitting stations.
8. Single dwelling unit for on-site security.

C. Conditional Uses - “OSR” Zoning District.

1. Retail operation when in conjunction with and accessory to a permitted use including but not limited to; snack bars, restaurant, gift shop, equipment sales or rental.
2. Commercial riding and boarding stables provided the site contains at least ten (10) acres. Additional acreage may be required based on the number of horses stabled thereon.
3. Wireless communication towers and antennas in accordance with the requirements of Chapter 19 of this Ordinance.

**TABLE NO. 14
Development Standard – Open Space Zoning Districts**

District	Lot/Parcel Area	Bldg. Height (Feet)	Minimum Yard Setback (Feet)				Lot Coverage
			Front	Side	Street Side	Rear	
OSC	20 acres	35	60	30	30	60	5% max
OSR	5 acres	35	60	30	30	60	5% max

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Article 2-6, Chapter 13 – Overlay Zoning Districts

Section 13.0 General Requirements – Overlay Zoning Districts.

- A. Purpose.** The overlay zoning districts shall be in addition to, and shall overlay, all other zoning districts where it is applied, so that any parcel of land lying in an overlay zoning district shall also lie in one (1) or more of the other zoning districts provided for by the San Luis Zoning Ordinance. It is the intent of these overlay districts to regulate land uses, conditional uses, design standards and development standards as well as the specific submittal requirements and review criteria. The specific Overlay Zoning Districts are as follows:
- Section 13.1 “AP” Airport Overlay Zoning District.
 - Section 13.2 “FP” Floodplain Overlay Zoning District.
 - Section 13.3 “AO” Aesthetic Overlay Zoning District.
 - Section 13.4 “P” Public Overlay Zoning District.
- B. Review Process.** All development and construction in each of the overlay zoning districts shall require Site Plan Review, by the Zoning Administrator, prior to the applicant’s submittal for building or grading permits. All applications for Site Plan Review shall comply with the submittal requirements outlined in Section 3.6 of this Ordinance. The required fee shall accompany all applications.
- C. Compliance with Other Provisions.**
1. General Provisions: The general provisions in Chapter 14 herein shall apply.
 2. Parking Regulations: The parking regulations in Chapter 15 herein shall apply.
 3. Signs: All signage shall comply with the regulations of Chapter 16 herein.
 4. Outdoor Lighting: All outdoor lighting shall comply with Chapter 17 herein.
 5. Landscape Regulations: All landscaping shall comply with Chapter 18 herein.

Section 13.1 “AP” Airport Overlay Zoning District

- A. Purpose.** The purpose of this “AP” Airport Overlay Zoning District is to recognize the impacts and hazards associated with the operation of public and private airports. It is the intent of this overlay to promote the public health and safety in the vicinity of the Rolle Airfield by minimizing exposure to crash hazards and high noise levels generated by airport operations and to encourage future development which is compatible with the continued operations and planned future expansion of the airport. It is the intent of this overlay district to regulate land uses, and specify acoustical performance standards and height limitations in order to protect lives and property and conversely to adequately protect Rolle Airfield to ensure its success in meeting the long-range general aviation needs of San Luis and the extreme southwestern Yuma County.

B. General Provisions – “AP” Overlay Zoning District.

- (1) Notwithstanding any other provision of this overlay district, no use may be made of land or water within this overlay district in such a manner as to create electrical interference with navigational signals or radio communication between the airport and the aircraft, make it difficult for pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise materially endanger or interfere with the landing, take off, or maneuvering of aircraft intending to use the airport; such as buildings with reflective glass or any type of reflective/glare producing exterior, high intensity recreation type lights (especially on high standards), smoke, antennas, landfills, garbage dumps, incinerators, or high tension transmission lines.
- (2) The Federal Aviation Regulations (F.A.R.) Part 77 Airspace Plan, the Airport Influence Area (AIA) map, and the 2020 Aircraft Noise Exposure map, and other information contained in the “Rolle Airfield Airport Master Plan”, dated March 2001 and amendments thereto as may from time to time be made shall be and the same is hereby adopted as part of the “AP” Airport Overlay Zoning District section of this Ordinance.
- (3) Building heights within the boundaries of the “AP” Airport Overlay Zoning District shall be as set forth in the Federal Aviation Regulations (FAR) Part 77 Airspace Plan per the “Rolle Airfield Airport Master Plan” dated March 2001 or as may be amended and the height limitations of the underlying zoning district; whichever is more restrictive.
- (4) The “AP” Airport Overlay Zoning District shall be that area as defined as the “Airport Influence Area (AIA) per the “Rolle Airfield Airport Master Plan” dated March 2001 or as may be amended by the Yuma County Airport Authority (YCAA).

C. Permitted Uses –“AP” Overlay Zoning District.

1. Airport structures and facilities that are necessary for the operation of the airport and for the control of air traffic there from.
2. Fixed base operators (FBO’s).
3. Heliports, glider operations, skydiving operations and grounds school training.
4. Those uses permitted by right in the “OSC” Zoning District.
5. Those uses permitted by right in the residential “RA-10” Zoning District; except for single residential and guesthouses, wireless communication towers and antenna, wastewater treatment plants, utility generating plants, farm/ranching accessory structures that exceed the permitted height as set forth in the FAR Part 77 plan for Rolle Airfield.
6. Those uses permitted by right in the “H-I” General Industrial District; except broadcasting stations and studios, hospitals and outpatient clinics.
7. Public or private golf course, including clubhouse and driving range located

thereon; provided there are no water features on the course. This does not permit or include miniature golf courses or stand-alone practice driving ranges, operated for commercial purposes, when not associated with a golf course.

8. Public and private parks, including but not limited to, picnic grounds, playgrounds, and athletic playing fields without playing field light standards; provided there are no bodies of water or water features within the parks.
9. Public safety and law enforcement facilities.

D. Conditional Uses – “AP” Overlay Zoning District.

- (1) Travel plazas or truck stops subject to the provisions outlined in Section 8.1 (C)(1) of this Ordinance.
- (2) Warehouse and transfer facilities for general freight.
- (3) Public or private detention and correctional facilities and only after it has been found to be in compliance with all applicable Federal and State regulations.

E. Development Regulations – “AP” Overlay Zoning District.

1. Public Disclosure of Potential Noise Impacts: No person shall sell, nor offer for sale, rent or lease any property unless and until the prospective buyer or renter has been provided an avigational disclosure and release form for the subject property, which the prospective buyer or renter shall sign and file with the City. The disclosure statement shall serve as notice of the fact that the property is within an Airport Overlay Area and that the property therein is subject to potential noise, vibration, and impacts from the Rolle Airfield.
2. Notification on Plat or Title: When a subdivision plat or parcel split is required the following notice shall be placed on the plat and/or recorded with the title: “These properties, due to their proximity to the Rolle Airfield, are likely to experience aircraft over flights, which could generate noise levels which may be of concern to some individuals. The City, public and airport shall be held harmless from any damages caused by noise, vibration, fumes, dust, fuel, fuel particles, or other effects that may be caused by the operation of aircraft taking off, landing, or operating on or near the airport, not including the physical impact of aircraft or parts thereof.”
3. Noise Attenuation: The construction, alteration, moving, partial demolition, repair and use of any building or structure within the Airport Overlay Area shall comply with the Sound Attenuation Standards in order to achieve an exterior to interior Noise Level Reduction (NLR) of 25 decibels. Certification of such NLR measures, by a Registered Engineer or a Registered Architect, shall be required to be submitted along with the application for a building permit.

Section 13.2 “FP” Floodplain Overlay Zoning District

- A. Purpose.** The purpose of this “FP” Floodplain Overlay District is to promote the public health, safety, and general welfare, and to minimize both public and private losses

due to flood conditions by recognizing the impacts and hazards associated with flood conditions. It is the intent of this overlay to promote the public health and safety by minimizing the exposure of structures to potential flooding by encouraging future development to be located outside of the floodway and that appropriate uses and construction methods be utilized within the areas of the floodplain.

B. General Provisions – “FP” Overlay Zoning District

- (a) This Overlay District shall apply to all areas, within the jurisdictional boundaries of the City of San Luis, that are designated as Special Flood Hazard Areas (SFHA) by the “Flood Insurance Study for Yuma County, Arizona (FIS)”, dated December 15, 1983 and/or identified by FEMA in the specific Flood Insurance Rate Maps (FIRM), for those lands within the jurisdictional boundaries of the City of San Luis. The Special Flood Hazard Areas (SFHA) along with the FIRM are the minimum areas of applicability of this overlay zoning and may be supplemented by studies, amendments, and revisions. A set of FIRM maps shall be retained by the City and shall be available for inspection.
- (b) If the Colorado River Levee System is certified within two (2) years from the date of adoption of this ordinance, and continue to remain certified, then those areas protected by the levee system may be removed from the floodplain regulations.
- (c) The Yuma County Floodplain Administrator and the Yuma County Flood Control District shall have regulatory powers over those lands identified as SFHA and delineated in the FIRM for the City of San Luis.
- (d) No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms outlined in the FIS for Yuma County, those of this overlay district and other applicable regulations.
- (e) The degree of flood protection required by the “FP” Overlay Zoning District is considered minimum for regulatory purposes and is based on scientific and engineering considerations of the Yuma County Flood Control District. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. The “FP” Overlay Zoning District does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This Overlay District shall not create liability on the part of the City of San Luis or any officer or employee thereof, or the Yuma County Flood Control District for any flood damages that result from reliance on this Overlay District or any administrative decision lawfully made herein.

C. Permitted Uses – “FP” Overlay Zoning District.

- 1. Those uses permitted by right in the “OSC” and “OSR” Zoning Districts.
- 2. Those uses permitted by right in the residential zoning districts of “RA-10” Zoning District: except for kennels for the boarding or lodging, breeding, or training of small domesticated animals.

D. Conditional Uses – “FP” Overlay Zoning District.

1. Those uses permitted as conditional uses in the “RA-10” Zoning District; except that the following uses shall not be permitted:
 - a. Kennels for the boarding or lodging, breeding, or training of small domesticated animals.
 - b. Cemeteries, crematoriums, columbaria and mausoleums including associated on-site mortuary.

E. Development Regulations – “FP” Overlay Zoning District.

1. In all areas of special flood hazard all new construction and substantial improvements shall be anchored to prevent floatation, collapse or lateral movement of the structure and capable of resisting the hydrostatic and hydrodynamic loads.
2. All new construction and substantial improvements shall be constructed using materials and utility equipment resistant to flood damage and with methods and practices that minimize flood damage.
3. All new construction and substantial improvements shall be designed and constructed so as to prevent water from entering or accumulating within any and all service, mechanical, or utility equipment components of the structure during conditions of flooding.
4. All subdivision proposals shall have adequate drainage and shall be designed to direct flood waters around and away from proposed structures. All lots shall have a building pad that is certified to be one (1’) foot above the level of the base flood elevation.

Section 13.3 “AO” Aesthetic Overlay Zoning District.

A. Purpose.

1. The Aesthetic Overlay District is an overlay to the underlying zoning district which may be used in combination with any zoning district provided in this zoning code. The purpose of the Aesthetic Overlay District is to enhance the community's image and attractiveness through creation of visually pleasing and inviting entryways of the city as well as providing community focal points or areas where the design of the physical improvements and landscape enhances the community's appearance.
2. This purpose is to be accomplished by:
 - a. Creating review procedures that establish the authority to review, recommend, and approve proposed physical design elements within the viewshed and the general location of major transportation corridors that are prominent entry points to the city;

- b. Focusing on community design principles that result in creative, imaginative solutions, that establish high quality design for specific areas of the city;
- c. Providing for site development that utilizes the unique characteristics of the site (such as location, surroundings, topography, or natural resources) and creates areas which are visually attractive to both the occupants, tenants and the general public;
- d. Minimizing conflicts between automobiles, pedestrians and bicycles; creating parking and loading/unloading areas which are attractive and unobtrusive; and maintaining efficient vehicular circulation;
- e. Providing safe and convenient access between and within all development in the district; and
- f. Providing landscaping which visually enhances both on-site and off-site development.

B. Applicability.

- 1. The Aesthetic Overlay District does not modify uses permitted in existing zones, but allows that the district be superimposed over existing zones with each use conforming to the development standards required by the underlying zoning district. The provisions and regulations of the Aesthetic Overlay District are in addition to all other provisions and regulations of the zoning code that apply to the underlying zoning as determined on the official zoning map of the city. Should provisions of the Aesthetic Overlay District conflict with other provisions of the zoning code or the Yuma General Plan, the more restrictive provisions shall apply.
- 2. The Aesthetic Overlay District may be used in combination with any zoning district provided in the zoning code.

C. Design Review Procedure. The project design plan shall be submitted and approved by the Zoning Administrator prior to the issuance of any construction or development permits

D. Property Development Standards.

- 1. Walls and fences.
 - a. Any decorative or screening walls or fences must be either a masonry design or a well-foliaged plant wall.
 - b. Chain link fencing, with or without slats, is not an acceptable screening or fencing material for areas visible from a public street. Razor wire, concertina wire or similar material shall not be used in areas visible from a public street.
 - c. Walls located on a property line shall provide a minimum five-foot (5') wide landscaping strip located along the exterior of said walls.

Landscaping within this strip shall meet the requirements stated in Article 18 of this ordinance.

2. Landscaping.
 - a. All landscaped areas, whether required or provided voluntarily; shall meet the requirements stated in Article 18 of this ordinance.
 - b. All landscape materials shall be allowed to grow to their natural height and shape appropriate for that plant.
 - c. Automatic irrigation (maximizing drip irrigation) is required for all landscaped areas.
 - d. Buildings shall be located so that the building does not abut paved parking areas or drive aisles. A minimum five-foot (5') wide landscape strip shall be provided between parking areas or drive aisles and the building. This landscape strip shall not be included in the calculation of interior parking lot landscaping required in Chapter 18 of this ordinance. Twenty-five percent (25%) of the square footage of the landscape strip requirement may be used for pedestrian sidewalks. This landscape strip requirement shall be waived for areas adjacent to the building that are designed as access to loading dock(s) and delivery areas and that are screened from view from public streets.
 - e. Accessible pedestrian route(s) shall be provided between public street sidewalks and accessible entrances to buildings on site.

3. Signs.

- a. Project identification signs shall be placed on monuments, building facades or on low profile walls.
 - (1) Monument Signs: To encourage design flexibility, the maximum height of the sign may be lowered in order to decrease required setback from the street. No signs shall be permitted within visibility sight triangles. Low profile signs may be setback from the property line as follows:

Over 6' in height.....	12 ft. setback
4' to 6'	6 ft. setback
4' or less	3 ft. setback
 - (2) Signs shall be fully integrated with the design of the building and the site development, reflecting the architecture and the building materials. The means of integrating signs with the architecture of the building shall be achieved through replication of architectural embellishments, colors, building materials, texture, and other elements found in the building design.

- b. Window signs shall not exceed two (2) square feet in area per tenant space and are limited to business identification, hours of operation, address and emergency information.
 - c. Window signs are prohibited above the ground level floor of the building.
 - d. Lettering or icons located on canopies or awnings shall not exceed five percent (5%) of the total square footage of the canopy or awning located on the particular facade on which the canopy or awning is attached.
 - e. The following sign types are prohibited in the Aesthetic Overlay District:
 - (1) Animated signs;
 - (2) Portable signs;
 - (3) Revolving signs;
 - (4) Flashing signs;
 - (5) Banner signs;
 - (6) Swinging signs;
 - (7) Under-canopy signs;
 - (8) Roof-mounted signs; and
 - (9) Internally-lit awning and canopy signs.
 - (10) Pole mounted signs.
4. Utilities. All utilities shall be placed underground. In the event an above ground electrical transformer is located outdoors on any site within the Aesthetic Overlay District, it shall be screened from view with a landscaping and not located within any setback area. If the transformer cannot be screened, it shall be located in an underground vault. Exceptions to this requirement are as follows:
- a. Transformers, pedestal-mounted terminal boxes, meter cabinets and concealed ducts may be placed above ground, if they are used solely in connection with the underground transmission or distribution lines;
 - b. Poles supporting street lights;
 - c. If topography, soil or other physical conditions prevent underground installation of utilities unreasonable or impractical, the Zoning Administrator may waive the requirement; and

- d. The remodeling of existing structures, where the cost of remodeling is less than 50% of the replacement cost of the existing structure as determined for building permit fees shall be exempt.
- 5. Parking structures.
 - a. Parking lot landscaping shall be designed to include tree varieties to provide shaded parking at growth maturity for a minimum of 30% of the required parking stalls.
 - b. A bike rack shall be provided for each building on site.
- 6. Lighting. Minimum standards for lighting for properties located within the Aesthetic Overlay District are as follows:
 - a. Aisles, passageways, and recesses related to and within the building complex shall be illuminated with an intensity of a minimum of one maintained foot-candle at the ground level and at seven feet vertical between sunset and sunrise.
 - b. Open parking lots shall be illuminated with a minimum of one maintained foot-candle of light on the parking surface and at seven feet vertical between sunset and sunrise.
 - c. All exterior entrances shall be illuminated with a minimum of five maintained foot-candles at ground level and at seven feet vertical between the hours of sunset and sunrise, with a minimum 15-foot radius from the center point of the entrance.
 - d. Closed and covered parking structures and carports shall be illuminated with a minimum of five maintained foot-candles at ground level and at seven feet vertical between the hours of sunset and sunrise; during daylight hours, the area shall be illuminated with a minimum of ten foot-candles.
 - e. Greenway trails, pathways, linear parks, multi-use trails and similar facilities shall be illuminated with a minimum of one-half (0.5) maintained foot-candle at ground level and at seven feet vertical between sunset and sunrise.
 - f. Lighting devices shall be protected by weather and vandal-resistant covers.
- E. Aesthetic Overlay District Design Guidelines. The Aesthetic Overlay District Design Guidelines upon adoption by the City Council shall be used in conjunction with this subchapter to provide guidance for the property owners, tenants, and design professionals in the preparation of a project design plan.
- F. Building Permits Based Upon Approved Project Design. Within one year of approval of a project design by the Zoning Administrator, a building permit may be granted for a site based upon the project design approved by the Zoning Administrator. If more than one year has elapsed since approval of the project design for that location, such design

plan shall be resubmitted to the Zoning Administrator to accept or modify the design previously approved, prior to issuance of a building permit.

- G. Amendments to Approved Project Design. Any substantial amendment or modification to an approved project design shall be reviewed by the Zoning Administrator.

Section 13.4 “P” Public Overlay Zoning District.

A. Purpose. The principal purpose of the (P) Public Overlay District is to allow those government activities which are necessary to serve the public in particular locations of the city, and to distinguish them from private uses. The (P) Public Overlay District is to provide an overlay designation superimposed over existing zoning districts for those lands held in public ownership by local, state, and federal agencies within the city limits. It is intended that each public use conform to the development standards required for all other uses permitted within the underlying zoning district.

B. General Provisions.

1. The (P) Public Overlay District shall not apply to publicly owned land leased to private concerns for use other than by a political subdivision nor shall this district apply to privately owned land which is leased to a government agency.
2. In the event that a government agency disposes of its property for which a Public Overlay District has been granted, such designation shall automatically expire, and the underlying zoning classification shall remain in effect.

C. Permitted Principal Uses.

1. Open space, parks, fine arts center, convention center, and public recreational facilities.
2. Public schools and playgrounds.
3. Governmental office buildings and grounds, including service and maintenance facilities.
4. Such public facilities as hospitals, libraries, museums and similar public facilities.
5. Municipal water production and storage facilities; municipal sewage treatment plants; municipal facilities for the collection, transfer, and disposal of solid wastes.
6. Public safety and law enforcement facilities.

D. Permitted Accessory Uses.

1. Wall-mounted and concealed/disguised personal wireless communication facilities, in accordance with Chapter 19 herein, are permitted as an accessory use for a legally established nonresidential principal use. Wall strapping of a personal wireless communications facility is not permitted.

2. Roof-mounted personal wireless communication facilities are permitted on a publicly owned nonresidential building.
3. The use of lattice tower structures for any personal wireless communication facility is not permitted.

- E. Property Development Standards.** To meet the purpose of the (P) Public Overlay District, all uses shall meet the minimum development standards as specified by the Zoning Ordinance for the underlying zoning district or districts in which they are located.
- F. Procedure.** An application for the (P) Public Overlay District shall only be made by an agency of the local, state, or federal government, in accordance with the procedures established in this Zoning Ordinance.

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Article 2-6, Chapter 14 - General Provisions

Section 14.0 Purpose. The purpose of this Chapter is to establish general development and performance standards applicable to all Zoning Districts. The standards and regulations set forth in this Chapter shall qualify or supplement, as the case may be, the District Regulations set forth elsewhere in this Ordinance. Any use that is not specifically allowed or not analogous shall hereby be declared to be prohibited.

Section 14.1 Use Restrictions.

- A.** Permitted Uses. Permitted uses in any and all zoning districts shall be only those uses listed under ‘Permitted Uses’ for each of the specific zoning districts; all other uses are prohibited. Permitted uses are subject to all other applicable standards of this Ordinance. No building permit shall be issued for a use not specifically mentioned and for which the City has not issued an approval.
- B.** Conditional Uses. Conditional uses in any and all zoning districts shall be only those uses listed under “Conditional Uses” for each of the specific zoning districts; all other uses are prohibited. Conditional uses require review and approval of a Conditional Use Permit in accordance with Section 3.3 of this Ordinance. Conditional uses are subject to all other applicable standards of this Ordinance and those requirements that may reasonably be imposed by the City Council. No building permit shall be issued for a use not specifically mentioned and for which the City has not issued an approval.
- C.** Temporary Uses. Temporary uses in any and all zoning districts shall be only those uses listed under “Temporary Uses” for each of the specific zoning districts; all other uses are prohibited. Temporary uses require review and approval of a Temporary Use Permit, in accordance with Section 3.4 of this Ordinance. Temporary uses are subject to all other applicable standards of this Ordinance and those requirements that may be imposed by the Zoning Administrator or Board of Adjustment. No building permit shall be issued for a use not specifically mentioned and for which the City has not issued an approval.
- D.** Unspecified Uses. Whenever a use is proposed which is not listed as a “permitted uses”, “conditional uses” or “temporary uses” within a zoning district, the applicant may submit an application for an interpretation to the Zoning Administrator who may make an interpretation concerning its applicability. In making an interpretation, the Zoning Administrator shall be consistent with the purpose of each specific zoning district and consider similar uses which are listed in the Zoning Ordinance.
- E.** Zoning Clearance. A zoning clearance is the verification by the Zoning Administrator, or his/her designated representative, indicating that the proposed building, structure, or use meets all the requirements of this Ordinance at the time of building permit review if applicable. Zoning clearances shall be required for all development and construction activities addressed within this Zoning Ordinance. Any change in use shall also require a Zoning Clearance.

Section 14.2 Re-dividing of Recorded Lots.

- A. No lot may be divided to create a lot not in conformance with these regulations. No lot shall be divided or combined in any manner other than through subdivision procedures as specified by the City of San Luis Subdivision Ordinance.
- B. No lot may be reduced in area so as to cause any open space or yard required by this Ordinance to be less in dimension than is required for the Zoning District and lot in question.

Section 14.3 Street Dedication Requirements.

- A. All lots shall have frontage on a dedicated and accepted public street connecting to the publicly dedicated and accepted street system; except in the case of planned commercial shopping centers with reciprocal cross access easements in place. The City Council may, through the rezoning or subdivision plat approval process, allow private streets that are designed and constructed per City private street standards.
- B. Except for lots abutting private streets, which have been specifically approved by the City Council, a building permit shall not be issued for a recorded lot which does not abut a dedicated and accepted public street and the abutting street does not connect to the publicly dedicated and accepted street system.
- C. Prior to the acceptance by the City of the dedication of a public street, such street shall be designed, graded, and paved in accordance with the provisions of all applicable street standards of the City of San Luis.

Section 14.4 Unsuitable Sites. No land shall be used or structure erected if the City Engineer or the City's Consulting Engineer has determined, based on accepted engineering principles and practices, that the land is unsuitable for such use or structure by reason of potential flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, extreme topography, low percolation rate or bearing strength, erosion susceptibility or any other feature or features which may render such use or structure likely to be harmful to the health, safety and general welfare of the community.

Section 14.5 Performance Standards. Every activity, operation or land use shall comply with the following performance standards regardless of the zoning district in which it is located. The Zoning Administrator shall be responsible for insuring compliance with these performance standards and shall invoke the provisions for enforcement of compliance with these performance standards wherever there is reasonable evidence that performance standards are being violated by such activity, operation or use.

- A. Glare and Heat. Any activity producing intense glare or heat shall be performed within a completely enclosed building in such a manner as not to create a nuisance or hazard along lot lines.
- B. Lighting. No light that flashes, revolves, or otherwise resembles a traffic control signal shall be allowed in any area where such light could create a hazard for passing vehicular

traffic. All outdoor lighting shall be installed, maintained, and utilized in conformance with Chapter 17 of this Ordinance.

- C. Fire and Explosion Hazards. All disposal of waste materials by outdoor incineration on the premises is expressly prohibited. All storage of, and other activities involving inflammable and explosive materials shall be provided adequate safety devices against hazards of fire and explosion, together with adequate fire-fighting and fire suppression equipment and devices standard in industry. All storage of inflammable or explosive materials shall further comply with location requirements set forth by the Fire Department or as established by this or other City codes and ordinances.
- D. Vibration. Every use shall be so operated that the ground vibration inherently and recurrently generated is not discernable, without instruments, at any point beyond the site property line.
- E. Fly Ash, Dust, Fumes, Vapors, Gases and Other Forms of Air Pollution. No emission shall be permitted which can cause damage to health, to animals, or vegetation, or other forms of property, or which can cause excessive soiling.
- F. Liquids and Solid Waste. No materials (organic or inorganic), compounds or chemicals, which can contaminate any water supply, interfere with bacterial process in sewerage treatment or otherwise cause emission of elements which are offensive or hazardous to the public health, safety, welfare or comfort shall be discharged at any point into any public sewer, private sewage disposal system or stream or into the ground, except in accordance with the standards approved by the Arizona State Department of Health and/or Environmental Quality or such governmental agency as may have jurisdiction over such activities.
- G. Odors. No emission of odorous gases or other odorous matter shall be permitted in such quantities as to be offensive in such a manner as to create a nuisance or hazard beyond the site property line.
- H. Noise. No use shall result in noise perceptible beyond the boundaries of the immediate site of the use that exceed the levels which engender annoyance or create an unhealthy environment for adjacent properties.
- I. Flooding. No structure or land shall hereafter be constructed, located, extended, converted, or altered within any Special Flood Hazard Areas (SFHA) that would create a public nuisance or create a hazard to life or property. Encroachment into the floodway, or within any SFHA, shall be prohibited including but not limited to, fill, new construction, substantial improvements, and other development. Encroachment into the floodway fringe of the floodplain shall be limited and shall require certification by an AZ registered professional engineer stating that proposed encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

Section 14.6 Projections into Required Yards.

- A. The space in any required yard shall be open and unobstructed, except for the ordinary projections of chimney flues, awnings, open outside stairways and balconies, window sills, belt courses, cornices, eaves and other architectural features provided such features shall not project further than two (2) feet into any required yard, and provided further

that in no case shall such projections be nearer than five (5) feet to the property line.

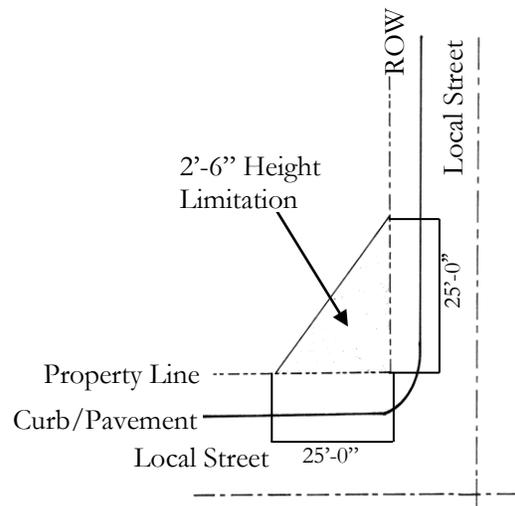
- B. Bay windows, including their cornices and eaves, shall not project into any required yard not more than two (2) feet, provided the sum of such projections on any wall does not exceed one-third ($\frac{1}{3}$) the length of the wall and provided that in no case shall such projections be nearer than five (5) feet to the property line.
- C. Mechanical equipment, such as air conditioners, may be constructed within any side or rear yard in conformance with this Ordinance, provided that in no case shall said mechanical equipment create an open side yard area of less than five (5) feet. This open clear area extends from the front of the structure to five (5) feet beyond the rear of the structure.

Section 14.7 **Height Limitations.**

- A. Building Height. No building shall be erected, reconstructed, or structurally altered to exceed the height limitations designated for the zone in which such building or structure is located. Height regulations established elsewhere in this Ordinance shall not apply to the following:
 - 1. In residential districts: church spires, belfries, cupolas and domes not for human occupancy, public monuments, water towers, and grain elevators or necessary mechanical appurtenances associated with agricultural produce processing and accessory agricultural buildings provided they do not exceed a height of sixty (60) feet. Also noncommercial radio or television antennas or wireless communication towers as approved in accordance with the requirements of Chapter 19 of this Ordinance.
 - 2. Chimneys in residential districts may be two (2) feet above the roofline of the residential structure, even if the roofline is at the maximum building height.
 - 3. In industrial districts: chimneys, refrigeration coolers, ventilation fans, elevator bulkheads, derricks, conveyors, grain elevators, or other similar mechanical appurtenances and/or structures necessary to operate and maintain the building provided they do not exceed one hundred (100) feet in height and are so located and constructed that if it should collapse, its reclining length would still be contained on the property on which it was constructed.
 - 4. The combined height of roof-mounted solar panels and associated equipment and the structure upon which it is installed may exceed the maximum building height of a zoning district by an additional 6-feet, so long as the structure upon which the solar panels and associated equipment are installed does not exceed the maximum building height of the zoning district in which it is located.
- B. Height Limitation on Corner Lots. Notwithstanding any other provisions in any zoning district the height of any buildings, fences, walls, retaining walls, gateways, ornamental structures, hedges, shrubbery and other fixtures, and construction and landscape plantings on corner lots in all zoning districts shall be limited as follows:
 - 1. Height shall not exceed two and one-half ($2\frac{1}{2}$) feet above the established elevation of the intersecting streets for a distance of twenty-five (25) feet on

local residential streets along the front and side lot lines and within the triangle formed by the connection of these two lot lines and thirty-three (33) feet on collector and arterial streets along the front and side lot lines and within the triangle formed by the connection of these two lot lines. (see Exhibit No. 1)

Exhibit No. 1 - Clear Sight Triangle
(below example is for Local Street)



Section 14.8 Accessory Building and Uses.

- A.** Accessory buildings or uses shall not be constructed or established on a lot until construction of the principal building has been actually commenced or the primary use established; except in the “RA-10” Zoning District.
- B.** Detached accessory buildings shall not be located in the required front yard and may be built in the required rear yard but such accessory buildings shall not occupy more than thirty (30%) percent of the required rear yard and shall not be nearer than three (3) feet to any side or rear lot line.
- C.** Accessory buildings shall not be used for dwelling purposes except for a guesthouse, an agricultural living quarters or if permitted elsewhere in this Ordinance.
- D.** All accessory buildings and accessory uses, such as but not limited to; guesthouses, agricultural living quarters, barns and corrals, garages, carports, and swimming pools shall require building permits and/or zoning clearance and shall adhere to any applicable provisions elsewhere in this Ordinance.
- E.** Accessory buildings shall be setback a minimum of three (3) feet from the rear and interior side property lines. If located closer than six (6) feet to the principal dwelling then the accessory structure must be attached to the principal dwelling through an integral roof structure a minimum of six (6) feet in width; except for owner assembled garden sheds under one-hundred twenty (120) square feet in size.

- F. In the case of corner lots, accessory buildings shall maintain side yard setbacks from the street side lot line as required for the main structure in that zone; and when a garage is entered from an alley, it shall not be located nearer than ten (10) feet to the alley line (which may be an easement or a property line).
- G. Accessory buildings shall not exceed the height regulations of the zoning district within any part of the buildable lot area, and shall not exceed twenty (20) feet in height in any required yard.
- H. All accessory buildings or uses, except for wells and related well equipment shall have the same electrical meter as the principal building or use unless the public utility determines that a separate meter is required for safety reasons which shall be determined on a case-by-case basis.
- I. Cargo containers and semi-trailers as follows:
 - 1. Shall be prohibited in all residential and commercial zoning districts as a principal or accessory building and/or use.
 - 2. May be permitted in all zoning districts, only for the on-site storage of construction material when in conjunction with an active building permit on-site, with an approved Temporary Use Permit.
 - 3. May be permitted in all commercial and industrial zoning districts, only for the on-site storage of holiday related materials when in conjunction with a permanent use and with an approved Temporary Use Permit.
 - 4. Sea containers may be permitted in the “OSR”, “RA-10”, “L-I” and “H-I” zoning districts as an accessory building for storage purposes only.
- J. Manufactured homes and/or recreational vehicles may not be used as an accessory building in any district.

Section 14.9 Fences and Walls.

- A. In all districts a fence or wall or hedge may be erected or maintained at a height no greater than three feet six inches (3’6”) within the required front or street side setback. In all residential districts the maximum height of any fence or wall shall be six (6) feet. Within the commercial and industrial districts the maximum fence or wall height shall be eight (8) feet except that a fence or wall abutting a residential district shall not exceed six (6) feet in height. These height regulations shall not apply when fences or walls of greater height are required by the Planning and Zoning Commission or City Council in order to provide adequate screening as required by this Ordinance. Utility companies, which are regulated by the Arizona Corporation Commission, and schools, public and quasi-public institutions including correctional facilities may be allowed increased fence heights due to national or state standards.
- B. Every fence or wall shall be constructed in a workmanlike manner and be of a conventional fencing material such as, but not limited to, masonry, preformed concrete sections, treated wood, or wrought iron. Every fence or wall shall be maintained in a

condition of good repair and shall not be allowed to become and remain in a condition of disrepair, damage, or unsightliness, and shall not be allowed to constitute a public or private nuisance. Any such fence or wall that is, or has become, dangerous to the public safety, health or welfare, or has become unsightly through improper maintenance or neglect shall be deemed to be a public nuisance and the Zoning Administrator may commence proper proceedings for the abatement of such nuisance.

C. Barb Wire and Concertina (Razor) Wire:

1. Barbed wire may be used in the rural residential areas zoned "RA-10" for agricultural purposes. Barbed wire is prohibited in all other residential zoning districts.
2. Concertina wire is prohibited; except as where provided in Section 14.9(C)(4) below.
3. Barbed wire may be permitted in commercial and industrial zoning districts for security purposes surrounding allowed outdoor storage areas provided the barbed wire is located a minimum of six (6) feet or more above grade and angled inward.
4. Barbed wire and/or concertina wire may be permitted around public or quasi-public correctional/detention facilities when necessary for the restraint of the occupants or for security purposes.

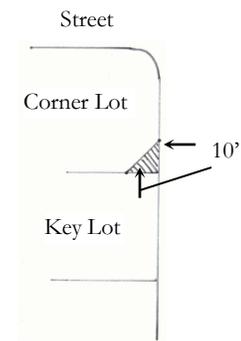
D. Electrical fences shall be prohibited except around agricultural public or quasi-public facilities when necessary for the restraint of the occupants.

E. All fences and walls shall be located entirely on the private property of the person, firm or corporation constructing, or causing the construction of any such fence or wall unless the owner of the adjoining property agrees, in writing, that such fence or wall may be erected on the division line of the respective properties.

F. Corner Lots and Key Lots:

1. On a corner lot contiguous to a key lot a fence, wall, or hedge over four (4) feet in height, may be placed on the street side property line except within a triangle measured from the front lot line of the key lot extending ten (10) feet along the common property line and ten (10) feet measured from the common property line extending along the street side property line of the corner lot towards the front property line of the corner lot.
2. On a key lot contiguous to a corner lot, a fence, wall, or hedge not exceeding six (6) feet in height may be erected along the property line contiguous with the rear yard of the corner lot, but such fence, wall or hedge shall not come closer to the front lot line of the key lot than ten (10) feet.

**Exhibit No. 2
Fencing for
Corner and Key Lots**



- G. An arched entry gate/feature, not exceeding a height of eight (8) feet or a width of eight (8) feet, may be permitted within the front yard setback provided it is an integral part of an approved front yard wall.

Section 14.10 Swimming Pools.

- A. In all residential districts, contained bodies of water, either above or below ground level, with the container being eighteen (18) or more inches in depth and/or wider than eight (8) feet at any point, measured perpendicular to the long axis, shall conform to the location and fencing requirements for swimming pools as outlined in this Ordinance and in A.R.S. §36-1681. Irrigation and storm water retention facilities, and the water features in public parks and golf courses are exempt from the fencing requirements of this section.
- B. Any swimming pool along with incidental installations, such as pumps and filters, shall be completely enclosed by a permanent fence, wall or barrier to restrict access to the swimming pool from public property, from adjoining private property, and directly from all dwelling units or guest rooms of a hotel, motel or resort development located on the same premises as the swimming pool.
- C. Swimming pools along with incidental installations, such as heater, pump and filter or other mechanical equipment used in association with a private swimming pool may be located in required yards, other than the required front yard, provided such pool is set back from all lot lines a minimum distance of five (5) feet.
- D. The design, placement and access for all swimming pools shall meet State statute. If there is a conflict, the State statute shall apply.

Section 14.11 Home Occupations.

- A. A home occupation shall be considered a permitted accessory use in all residential districts provided that they are operated and maintained to not interfere with the peace, quiet, and dignity of the property owners or neighbors (defined as those who live nearby where the occupation can be seen or heard or other nuisance impacts detected), if it complies with the following regulations:
 - 1. All home occupations shall be clearly incidental and subordinate to the use of the property and dwelling unit for dwelling purposes. A valid City Business License shall be maintained for the home occupation use.
 - 2. Is conducted entirely from within the principal residence, garage, or accessory building and shall not change the residential character thereof. Carports and yards may not be used for home occupations. Exceptions to this provision shall be made for swimming lessons or in-home day care.
 - 3. No more than twenty-five (25) percent of the gross floor area of the dwelling shall be devoted to the home occupation. Areas devoted to the home occupation use shall maintain a residential appearance.

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4. There shall be no employees other than members of the immediate family residing in the dwelling unit where the home occupation is being operated.
5. Deliveries and pickups shall not block traffic circulation and shall occur only between 8:00 A.M. and 8:00 P.M. Monday-Saturday.
6. There shall be no external evidence of the activity such as outdoor storage, displays, noise, dust, odors, fumes, vibration, electrical interference or fluctuation, or other nuisances discernible beyond the property lines.
7. No signs signifying the business or any commercial product or service are allowed.
8. Customer/patron and shipping/receiving trip generation shall not exceed five (5) trips a day. Exceptions to this shall be allowed for music and swim lessons and home child care providers provided traffic does not disturb residential tranquility.
9. No vehicle, used in conjunction with the home occupation, with a payload rating of more than one ton, shall be stored on the site. Outside storage of heavy equipment or material shall be prohibited.
10. Storage of goods and materials necessary for the home occupation shall not include flammable, combustible or explosive materials.
11. The home occupation shall not use or create hazardous waste.

B. The following are some examples of uses, which would be acceptable as home occupations, provided they comply with the above regulations:

1. Home offices with no client visits to the home permitted.
2. Artists, sculptors, composers not selling their artistic product to the public on the premises.
3. Craftwork, such as jewelry making, pottery, woodworking, and metal working with no sales permitted on the premises.
4. Music lessons, swim lessons, and tutoring.
5. Personal services such as: catering, seamstress services and beauty or barber services with not more than two (2) persons at any one time.
6. Telephone answering, message services, word processing and other computer applications.
7. Child care as specified in Chapter 5 and Chapter 6 of this Ordinance.
8. Door to door sales or party sales not on the premise of the home occupation.

C. A home occupation shall not include the following uses: (this list is not all inclusive)

1. Medical, dental, or physical therapy.
 2. Motor vehicle repair, painting, storage, restoration or conversion, engine repair or similar uses; except on a vehicle personally owned by the resident.
 3. A permanent motor vehicle display for purposes of sale or lease.
 4. Veterinarian office, animal grooming facilities, and animal care, kennels or boarding facilities.
 5. Machine shop.
 6. Retail sales.
 7. Contractors' shops or storage yards.
 8. Body piercing and/or painting and tattoos.
- D.** Complaints by citizens or local residents may be cause for immediate termination of the home occupation use if appropriate measures cannot be undertaken to mitigate the complaint or violations. All complaints or violation of the above conditions shall be registered with, and reviewed by, the Zoning Administrator.

Section 14.12 Outdoor Storage and Junk Automobiles.

- A.** With the exception of “retail sales displays” in an approved commercial area, outdoor storage shall be screened from public view by a solid masonry fence or a view obscuring fence with no storage visible above the wall or fence. The presence of hazardous materials, not sold on-site or used on-site in association with the permitted business, is prohibited.
- B.** Storage of licensed motor homes, farm trailers, boats, travel trailers, camping trailers, utility trailers, or other such trailers may be permitted in any residential zoning district provided that the owner of the motor home, farm trailer, boat, travel trailer, camping trailer, utility trailer, or other such trailer resides on the property to which it is stored. Such vehicles if located or stored outside of a garage, carport or barn, must be stored in the following manner:
1. The vehicle/trailer shall be stored in the rear or side yard but not in front yard setbacks.
 2. The vehicle/trailer shall be stored behind a view obscuring gate/fence.
 3. Placement in other than the rear or side yard for loading and unloading purposes may be permitted for a period not to exceed seventy-two (72) hours.
- C.** In all residential zoning districts, junk automobiles shall be stored in a completely enclosed building. In all other zoning districts, the storage of junk automobiles is prohibited; unless otherwise permitted and then only under the specific conditions outlined within this Ordinance.

- D. The parking or storage of any commercial vehicle having a gross vehicle weight rating (GVWR) exceeding one and one-half (1½) tons, or a tractor, semi-trailer, or bus is prohibited in any residential zoning districts except in the “RA-10” Zoning District when in association with a farming activity.
- E. Parking and storage of commercial vehicles may be permitted within the screened storage area of an approved commercial or industrial use or where otherwise permitted and then under the specific conditions outlined within this Ordinance.

Section 14.13 Dumping and Disposal.

- A. No person shall obstruct or reduce the capacity of any natural or man-made water way within the City by filling or dumping any earth, stone or other materials therein.
- B. The use of land for the storing, dumping, or disposals of scrap iron, junk garbage, rubbish or other refuse, ashes, landscape wastes, or industrial wastes or by-products shall be prohibited in every zoning district except as specifically otherwise provided in this Ordinance.

Section 14.14 Mobile Vendors

- A. Mobile Food Vendors shall obtain a County Health Certificate prior to applying for a city business license.
- B. Mobile Vendors shall not occupy any portion of the public right-of-way including the sidewalk.
- C. The business license application shall include:
 - 1. The notarized written permission of the property owner;
 - 2. A site plan on 8-1/2 x 11 paper showing the seating area (maximum 400 sq.ft.), location of the unit, hours of operation and access. Additional information may be required by the Building Safety Division or the Fire Department.

Section 14.15 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:
 - a. 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.
 - b. 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.

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- 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.

Section 14.16 Sexually Oriented Businesses.

- A.** Sexually Oriented Businesses within the City of San Luis are regulated through Article 7.4 Sexually Oriented Businesses in the City of San Luis City Code.

Article 2-6, Chapter 15 – Parking Regulations

Section 15.0 Purpose. The purpose of this chapter is to establish minimum standards for the provisions of adequate off-street parking, loading and maneuvering spaces for the uses permitted by this Ordinance in a manner which is safe, efficient, convenient and visually attractive. These regulations shall apply to new construction and expansion of or changes to existing uses permitted by this Ordinance. The regulations set forth in this chapter shall supplement any zoning district regulations set forth elsewhere in this Ordinance.

Section 15.1 General Regulations

- A.** All required parking and loading spaces and maneuvering areas shall be provided on the same parcel or lot as the principal structure wherever possible. A contiguous lot may be used for parking purposes if incorporated into the development site for the use of providing the required parking and the lot is properly zoned for parking purposes. A notarized Letter of Agreement shall be provided.
- B.** All vehicular egress from parking lots to public right-of-way shall be by forward motion only, except in Residential Districts
- C.** The required parking spaces for commercial and industrial uses shall not be located in the front yard setback or a side yard setback when adjacent to a residential zoning district.
- D.** No part of any vehicle may overhang into a public sidewalk or within five (5) feet of a street curb where no sidewalk exists.
- E.** Tandem arrangement of required parking spaces is prohibited; except in single residential zoning districts. For purposes of this provision, “tandem arrangement” shall mean parking spaces arranged one behind the other, such that one car will be unable to exit the parking space if a second car has parked in the tandem space behind it.
- F.** The parking, keeping, or storage of commercial rated vehicles over one and one-half (1½) tons in a residential zoning district is prohibited with the exception of:
 - 1. Recreational vehicles; in compliance with Chapter 14.12 of this Ordinance.
 - 2. Commercial rated vehicles for farm use may be permitted in the Rural Area Residential Zoning District of “RA-10”; in compliance with Chapter 14.12 of this Ordinance.
 - 3. During times where the owner of the commercial rated vehicle is on call and the vehicle is reasonably necessary to perform the job for which the owner is on call.
 - 4. Construction equipment such as a bulldozer, grader, cement mixer, dump truck and other similar equipment may be stored on a lot during construction of a building thereon.

Section 15.2 Improvements.

- A. Required parking spaces, parking lot area, loading spaces, maneuvering areas, driveways, and fire lanes shall be paved with asphalt, concrete, paving stones, or a similar dust free material approved by the City to a sufficient thickness to withstand repeated vehicular traffic.
- B. All required off-street parking spaces shall be connected with a public street, or by an approved private street, by a paved driveway of not less than twenty (20) feet in length, within the property line, unless otherwise approved by the City Engineer and Zoning Administrator.
- C. Unless otherwise approved by the City Engineer and the Zoning Administrator, all off-street parking lots shall be screened from street view, with a three (3) foot high screen wall, landscaping, a landscaped berm or combination thereof. Parking lots shall be landscaped in accordance with the regulations of Chapter 18 of this Ordinance.
- D. A six (6) inch vertical separation method, such as but not limited to a concrete curb, shall be required between any parking lot area and landscape area to protect the landscaped area and control vehicular circulation.

Section 15.3 Required Parking by Land Use Type.

- A. The number of parking spaces required to be provided for uses permitted in this Ordinance are specified in Table No. 15.
- B. In calculating the total number of required off-street parking spaces, fractional amounts shall be rounded up to the nearest whole number if the fraction is 0.5 or greater.
- C. The number of parking spaces required for uses not listed shall be determined by the Zoning Administrator and approved through the site plan review process.
- D. In the case of mixed uses, the total requirement for off-street parking spaces shall be the sum of the various uses computed separately. Cumulative parking space requirements for mixed-use occupancies may be reduced by the Zoning Administrator if it is determined that peak requirements of the mixed-use occupancies occur at different times.
- E. Bicycle parking devices/facilities shall be required to be provided, at public facilities and by all commercial land uses, including but not limited to, libraries, recreation areas, schools, post office, shopping centers and restaurants. Bicycle parking devices/facilities are also required within all multiple residence developments. Facilities for securing the bicycles should be located near the building entrances or other highly visible areas.
- F. For purposes of this Ordinance, "G.F.A." is used to represent Gross Floor Area, which shall mean the sum of the gross horizontal area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage. Gross floor area shall not include: (a) underground parking space; (b) exterior balconies; or (c) uncovered steps.

TABLE NO. 15 -Required Parking Spaces Per Land Use

Land Uses	Required Vehicle Parking
Residential Uses	
Single Residence, detached dwellings	2 spaces: dwelling
Manufactured Homes	2 spaces: unit
Recreational Vehicles	1 space : unit
<u>Multiple Residence:</u>	
Efficiency	1 space: unit
One (1) bedroom units	1.5 spaces: unit
Two (2) bedroom units and larger	2 spaces: unit
Town homes and Condominiums	2 spaces: unit
Complexes with 10 or more units	1 visitor space : 10 units
Institutional Uses	
<u>Religious Institutions:</u>	
Main assembly (fixed seating)	1 space: 5 seats
Main assembly (without fixed seating)	1 space: 300 sf. of G.F.A.
Classrooms and other buildings	1 space: 300 sf. of G.F.A.
Hospitals	1 space: 1.5 beds
Elementary Schools & Jr. High Schools	1 space: classroom <u>plus</u> 1 space: 2 employees
High Schools, Trade Schools & Colleges	1 space: 2 employees <u>plus</u> 1 space: 5 students
Prisons & Detention facilities	1 space: employee/shift
Commercial Uses	
Indoor Commercial Amusement: amusement center / arcades	1 space: 300 sf G.F.A.
skating rinks	1 space: 300 sf G.F.A.
dance clubs	1 space: 300 sf G.F.A.
theaters	1 space: 4 seats
bowling alleys	2 spaces: lane
billiard hall	2 spaces: table
Indoor Swap Meet, Farmers Market	1 space: 500 sf. G.F.A. sales area
Health clubs, gymnasiums	1 space: 100 sf. G.F.A.
Medical & Dental Offices, Clinics	1 space: 250 sf. G.F.A. <u>plus</u> 1 space: 2 employees
General, Professional & Civic Offices	1 space: 300 sf. G.F.A.
Private Clubs, Lodges & Fraternal Organizations	1 space: 300 sf. G.F.A.
Retail sales, personal services, banks, and grocery stores	1 space: 300 sf. G.F.A.
Data processing/Telemarketing operations	6 spaces: 1000 G.F.A.
Hotels, Motels, and Bed & Breakfast	1 space: room <u>plus</u> ancillary use requirements
Assisted Living Facilities & Nursing Homes	1 space: 2 employees <u>plus</u> 1 space: 10 beds
Restaurants, Bars & Cocktail Lounges	1 space: 75 sf. G.F.A. and outdoor seating area

Land Uses	Required Vehicle Parking
Commercial Uses (continued)	
Restaurants with drive-through facilities	1 space: 100 sf. G.F.A.
Mortuary/ Funeral Home	1 space: 75 sf. G.F.A. used for public assembly
General auto repair, car wash, service station, lube shops	1 space: 375 sf. G.F.A. <u>plus</u> 1 space: employee
Outdoor Commercial Uses	
Outdoor Commercial Amusement :	
golf courses	4 space: hole <u>plus</u> 1 space: 250 sf G.F.A. clubhouse
driving ranges	1 space: each tee space
Miniature golf courses, batting cages, amusement parks, water slides.	1 space: 500 sf of outdoor recreational area plus ancillary indoor uses.
Parks (public or private)	35 spaces: athletic field 6 spaces: Volleyball court 6 spaces: basketball court 2 spaces: tennis court
<u>Outdoor Sales:</u> plant nursery, building supplies, RV & boat sales, and automobile sales	1 space: 375 sf. G.F.A. display <u>plus</u> 1 space: employee
Outdoor Swap Meet, Farmers Market	1 space: 500 sf. N.L.A. used for storage, display, and sales.
Industrial Uses	
Manufacturing, Assembly, Production	1 space: 600 sf G.F.A.
Wholesale Sales, Warehouse & Freight Movement	1 space: 900 sf. G.F.A.
Waste Related Uses including recycling centers	1 space: 900 sf. G.F.A.
Mini-warehouse/self storage facility	4 spaces <u>plus</u> 2 spaces for manager's quarters or office

Section 15.4 Parking Space Maneuvering Dimensions.

- A. Large Vehicle Parking. Certain uses may be required to install large vehicle parking spaces for trucks, buses, and recreational vehicles. Minimum dimension standards for large vehicles spaces shall be twelve (12) feet wide by forty-five (45) feet long. Said spaces shall be clearly marked for customer use.

- B. Disabled Parking. All off-street parking areas, other than for single residence uses, shall include reserved spaces for use by disabled persons. Disabled parking, which shall be subject to A.R.S. § 28-882 et. seq. shall be provided at a rate in compliance with the adopted building code of the City of San Luis. Notwithstanding anything in the

Building Code, minimum dimension standards for disabled parking shall be as follows:

1. Single space. Sixteen (16) feet wide by twenty (20) feet long. The space shall be prominently striped at eleven (11) feet width of space plus a five (5) foot access aisle.
 2. Double space. Twenty-seven (27) feet wide by twenty (20) feet long. The space shall be striped at eleven (11) feet width of each space plus a five (5) foot access aisle between the spaces.
- C.** Standard Parking. The standard parking space shall be a minimum of nine (9) feet wide by eighteen (18) feet long unless specified otherwise by this Ordinance.
- D.** Parallel Parking. A parallel parking space shall be a minimum of nine (9) feet wide by twenty-two (22) feet long unless specified otherwise by this Ordinance.
- E.** Loading Space. There shall be provided on the same lot with each commercial building and industrial building or structure adequate space for off-street loading, unloading and the maneuvering of commercial vehicles. There shall be no loading or unloading of commercial vehicles on the public street. Off street maneuvering space shall be provided so that no backing onto or from a public street is required. The loading space shall be a minimum of twelve (12) feet wide by forty-five (45) feet long and a minimum of fourteen (14) feet in height. A reduced loading space dimension may be approved by the Zoning Administrator on a case-by-case basis.
- F.** Driveway and Aisle Dimensions. Every parking facility shall be provided with one or more access driveways. The minimum dimensional standards for driveways shall be as follows:
1. Commercial. The minimum width for one-way enter/exit and aisle shall be 12'. The minimum width for two-way enter/exit and aisle shall be 24'. Additional aisle width may be required depending upon the angle degree of the parking stalls.
 2. Industrial. The minimum width for one-way enter/exit and aisle shall be 16'. The minimum width for two-way enter/exit and aisle shall be 32'
- G.** Loading docks and service bays shall not front onto an arterial or collector roadway.
- H.** Required parking spaces shall be permanently marked.

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Article 2-6, Chapter 16 – Sign Regulations

Section 16.0 Purpose.

- A. The principal purpose of the sign regulations is to establish basic design standards, administrative procedures, and other criteria pertaining to the time, manner, and placement of both on-site and off-site signage located within the City of San Luis. Such controls are established in the interests of public safety, community aesthetics, and the public need for clear visual communications. Visual distractions, impediments to traffic visibility, and competition with traffic control devices shall be prohibited. The standards and criteria of this chapter are intended to accommodate a certain limited amount of signage in order to be comprehensible, to promote traffic safety, and to maintain community aesthetics. As a result, visual clutter and competition between sign structures shall be avoided to allow approved signage to convey visual information to the public in a clear manner.
- B. It is also the intent of this chapter to secure the gradual and eventual elimination, rather than expansion, of nonconforming signs and nonconforming sign structures. Therefore, the number, size, height, location, spacing, the means of installing, and the manner of keeping signs and sign structures shall be regulated in order to achieve these purposes.

Section 16.1 Applicability and General Requirements.

- A. **Scope.** The regulations and provisions of this chapter shall be applicable to the construction, establishment, or addition of any new sign, sign structure, or sign face, whether on-site or off-site, as well as to the relocation, enlargement, extension, reconstruction, replacement, maintenance, or continuance of any existing sign, sign structure, or sign face. These regulations shall be applicable within any existing or new development area of the city, as well as within any area newly annexed to the city. Nothing herein shall require any change or modification to any signage lawfully established or constructed prior to the effective date of this Ordinance, except as provided in Section 16.11 of this Ordinance.
- B. **Responsibility.** The duty to erect and maintain signage in the manner specified herein shall be the responsibility of the owner and/or occupant(s) of the property upon which the signage is located.
- C. **Nonconforming Signage.** Any sign or sign structure lawfully existing prior to the effective date of this chapter, whether on-site or off-site, and not meeting the standards and requirements specified herein, shall be considered nonconforming and be subject to the following provisions:
 - 1. Continuance. The lawful use of any nonconforming sign or sign structure may be continued, provided, however, that any addition, enlargement, or other alteration which would increase the degree of nonconformity shall be prohibited. Any nonconforming sign or sign structure which is abandoned for a period exceeding two (2) years shall be subject to the requirements of this Ordinance pertaining to removal of abandoned signage.

2. Repairs and Alterations. Repairs and alterations which do not increase the degree of nonconformity shall be permitted, except that if any sign or structure is damaged or has deteriorated to an extent that the cost of repair equals fifty percent (50%) of its replacement value if sound, or if the cost of alteration exceeds fifty percent (50%) of the replacement value, it shall either be rebuilt or replaced in conformance with the standards and requirements of this chapter, or be removed altogether.
3. Replacement of On-site Signage. At such time as the name of an activity changes, any nonconforming on-site signage related to such activity shall either be replaced or modified to meet the requirements of this Ordinance, unless such signage was previously constructed with interchangeable panels, letters, or copy. An act of maintenance or repair or repainting a previously painted sign face, or repapering a previously papered sign, or other similar manner of changing a sign face, none of which would increase the degree of nonconformity, shall not be deemed as replacement hereunder and shall be permitted.

D. Prohibited Signage. The following types of signage shall be prohibited.

1. Portable signs as defined by this chapter;
2. Balloons or any inflatable device exceeding four (4) feet in diameter;
3. Swinging signs;
4. Signs which rotate more than six (6) revolutions per minute;
5. Banners, other than for identifying a special event as set forth in Temporary Signs;
6. Any sign attached to a stand pipe or fire escape;
7. Any sign which impedes access to any door, window, or fire escape;
8. Unauthorized signs on public property;
9. Any sign which facsimilates traffic control devices or emergency vehicles by reason of shape, color, or other feature;
10. Any on-site sign attached to an off-site installation which increases the existing sign face area;
11. Any off-site sign attached to an on-site sign installation;
12. Any other type of signage which does not comply with the regulations and provisions of this Ordinance.

E. Locations Within the Right-of-Way. No sign shall be located within any existing or prospective public street right-of-way as classified by the Transportation/Circulation Element of the City of San Luis General Plan, and its successors, nor shall any portion

of a sign or sign structure overhang such right-of-way, except as provided in the San Luis City Code or the Arizona Revised Statutes.

F. Signage for Which No Permits Are Required. Permits shall not be required for any of the following sign installations, provided, however, that such installations shall meet all other requirements of this chapter as may be applicable.

1. Changing the copy of a sign previously designed with interchangeable panels, letters, or other graphics.
2. Cleaning, repair, repapering, repainting a previously painted sign, or other maintenance, including replacement of a sign face necessitated by damage or deterioration, none of which increases the existing sign face area. No activity shall be contrary to the requirements of Sec. 16.1.C (Nonconforming Signage) and Sec. 16.6.D.4 (Damaged or Deteriorated Signage) of this Ordinance.
3. The painting of any on-site signage, whether permanent or temporary, within a window of any building wall, or the installation or modification, of any merchandise display within an existing window.
4. Temporary signage not exceeding thirty-two (32) square feet in area, or six (6) feet in height.

G. Exempt Signage. The following types of sign installations shall be exempt from the requirements of this chapter.

1. Flags of a nation, state, or other governmental entity.
2. Government signs for street names, traffic control, or other regulatory purpose of the government.
3. Holiday decorations.
4. Signage located within the interior of any building or other enclosure, and not visible from any public right-of-way or adjoining property, provided, however, this provision shall not exempt such installations from the requirement for any electrical permit, such as an illuminated sign within an enclosed mall, any structural permit, or other requirement of an applicable building code or other regulation adopted by the City of San Luis.

Section 16.2 Definitions.

A. For the purpose of this chapter the following terms shall have the following meanings.

1. **Abandoned Signage.** A sign which no longer identifies or advertises bona fide business, leaser, service, owner, product or activity, and/or for which no legal sign owner can be found.
2. **Animated Signs.** Any sign which displays or employs action or movement, whether driven by mechanical means or wind actuated; signs which only rotate shall not be included in this category.

3. **Balloons/Inflatable Devices.** One or more balloons or inflatable devices used as a permanent or temporary sign or as a means of directing attention to: any business or profession; a commodity or service sold, offered, or manufactured; or to any entertainment.
4. **Banner.** Any sign consisting of paper, fabric, canvass, rubber, plastic, or the like, with no other material for rigid structural support.
5. **Building Facade.** An exterior elevation of a building, extending from the average grade level of the adjoining ground within five (5) feet of the building wall to the top line of the roof or parapet wall, and also extending the entire width of the building elevation.
6. **Business Purposes.** Pertaining to economic dealings or mercantile activity, which are engaged in as a means of livelihood.
7. **Canopy.** An architectural projection beyond the external wall of a building forming part of the building façade.
8. **Commercial Message.** A message displayed or caused to be displayed before the public for business purposes involving or pertaining to the manufacture or sale of products, property, accommodations, services, attractions, or activities, which:
 - a. refers to the offer for sale or existence for sale of products, property, accommodations, services, attractions, or activities or
 - b. attracts attention to a business or to products, property, accommodations, services, attractions, or activities, that are offered or exist for sale or for hire.
9. **Construction Sign.** A temporary sign identifying an architect, contractor, subcontractor, lender and/or material supplier participating in construction on the property on which the sign is located.
10. **Copy.** The words, letters, symbols, illustrations, or other graphic characters used to convey the message of a sign.
11. **Degree of Nonconformity.** The extent to which any sign or sign structure does not conform to the standards and requirements of this Ordinance, such as the height, sign face area, setback, vertical clearance, number of signs, or manner of keeping
12. **Development Sign.** An on-site sign at the entry of a development indicating the name of a park, subdivision, complex or center.
13. **Digital Display.** Computer controlled electronic off-site signs that transmit light through the use of Light Emitting Diode Display (LED) technology.
14. **Expressway.** Expressway (150' ROW; access at ½ mile intersections).

15. **Festoons.** A sign where incandescent light bulbs, banners, balloons, pennants or other such features are hung, strung overhead or tied together and which are not an integral, physical part of the building or structure they are intended to serve.
16. **Flag.** A piece of cloth, varying in size, shape, color, and design, usually attached at one edge to a staff or cord, and used as the symbol of a nation, state, or organization, as a means of signaling, etc.; ensign; standard; banner; pennant.
17. **Flashing Sign.** Any sign which contains a source of light, internal or external, that intermittently cuts on and off, or which creates the illusion of flashing or intermittent light through animation or other means.
18. **Free-Standing Sign.** Any sign permanently anchored to the ground which stands alone on its own foundation and structural supports, and free of support from any building. Any signage mounted on the roof of any building shall not be considered as a free-standing sign.
19. **Graffiti.** A drawing or inscribing a message, slogan, sign or symbol or mark of any type that is made on any public or private building, structure or surface, and that is made without the permission of the owner. (City of San Luis Ord. No. 220)
20. **Height of Building.** For the purpose of regulating sign locations, when a building facade has various elevations the height of the predominant elevation shall be the building height. Where a predominant elevation cannot be determined, the lowest height shall govern. In all situations, a sign shall not extend outside the silhouette of the wall/roof to which it is attached.
21. **Indexing Sign.** Any sign designed with multi-sided sign faces which is operated by some mechanical device, thereby causing the faces to alternately turn and stop.
22. **Maximum Height.** The vertical distance measured from the uppermost point of the sign face or sign structure, whichever is higher, to the street grade of the nearest driving lane.
23. **Monument Sign.** A freestanding sign, where the entire bottom of the sign is affixed to the ground and provides a solid and continuous background for the sign face from the ground to the top of the sign, which is detached from a building, and the support structure is a base constructed of a permanent material. The height of any monument base or other structure erected to support or ornament the sign shall be measured as part of the sign height. The sign shall be clad to the ground with a base not less than 75% of the total sign width. The height of the structure erected to support or ornament the sign shall be measured as part of the sign height.
24. **Mural.** A wall-mounted sign with any picture, scene, or diagram displayed on any exterior wall or fence with the written permission of the property-owner. The work may be a mosaic, painting, graphic art or any combination thereof. The work shall not include any advertising, gang identification, profanity, or any sign or language which promotes the resentment or hatred of other races or

classes of people. Murals determined to be advertising by the Zoning Administrator shall be considered a sign and shall be included in the calculations of allowable sign area.

25. **Noncommercial Message.** A message that is not a commercial message.
26. **Off-Site Sign.** Any sign that may display a message, whether commercial or noncommercial, that does not necessarily relate to the premises upon which such sign is located.
27. **On-Site Sign.** Any sign which pertains to the business operated, activity conducted, or products sold or manufactured, on the premises upon which such sign is located, or which displays a noncommercial message installed or caused to be installed only by the property owner and/or lessee of the property upon which the sign is located.
28. **Parapet.** A wall extending above the plateline of the building.
29. **Pedestal Sign.** A freestanding, ground mounted sign, detached from a building, and where the support structure is a base constructed of a permanent material. The support structure of a pedestal sign and sign face shall be designed as one architecturally unified and proportional element. The sign shall be clad to the ground with a base not less than 65% of the total sign width. The height of the structure erected to support or ornament the sign shall be measured as part of the sign height.
30. **Permanent Sign.** Any sign set in the ground with its own foundation, or which is painted on or otherwise anchored to a building, wall, or other permanent structure, and any of which are installed to achieve a lasting and enduring condition and location.
31. **Plateline.** The point where the roof structure first touches an external wall.
32. **Pole Sign.** A free standing sign which is supported by one or more structural elements that are either (a) architecturally dissimilar to the design of the sign or (b) which is less than one-fourth of the width of the sign face. The bottom edge of the sign face is eight feet or more above finished grade.
33. **Political Sign.** a sign as regulated by Section 16-1019, Arizona Revised Statutes.
34. **Portable Sign.** Any signage which is designed to be placed upon the ground, rather than anchored to the ground or to any structure, and which may be moved without disassembly or excavation of the sign or sign structure.
35. **Premises.** Any property or properties developed as a unit, including all building(s), off-street parking, points of access, common area, and any other appurtenances, all of which allows the parcel to function as a whole.
36. **Primary Building Facade.** The particular facade of a building which faces the street to which the address of the building pertains.

37. **Roof.** The protective cover of a building.
38. **Roofline.** The highest point of the main roof structure or parapet wall, not including cupolas, pylons, projections, or minor raised portions of the roof.
39. **Sign.** Any identification, description, illustration, symbol, statue or device, which is affixed directly or indirectly upon a parcel, building, structure, or other surface, and used or intended to attract the attention of the public when visible from any position on or off the premises upon which displayed.
40. **Sign Face Area.** The area of the smallest single geometric figure or figures which entirely encloses both the copy and facing of the sign. The spaces between letters, symbols, and numerals, which make words or elements of the sign, and contrasting backgrounds, illustrations, borders, or other devices shall be included.
 - a. Where a sign has two (2) or more faces, the area of all faces shall be included in determining the sign area, except that only one (1) face of a double-faced sign shall be considered where the angle between faces does not exceed thirty (30) degrees and the distance between faces does not exceed five (5) feet.
 - b. Where the sign is a statue or similar three-dimensional figure, the sign area shall be the sum of the four (4) vertical rectangular faces of the smallest polyhedron that entirely encloses such statue or figure.
41. **Sign Height.** The height of a sign is the vertical distance measured from the top of the sign and supporting frame or trim, if any, to the ground at the base of the sign or street grade level, whichever may be the lower.
42. **Street Address Frontage.** The total linear dimension of the property line which coincides with the edge of the adjoining street right-of-way to which the address of the property pertains
43. **Street Frontage.** The total linear dimension of all property lines which coincide with the edge of an adjoining street right-of-way.
44. **Swinging Sign.** Any sign face which is suspended at one (1) or more points, but is not rigidly and permanently anchored to a building, wall, post, or other support structure.
45. **Temporary Signage.** Any signage which is set in the ground but not permanently set in its own footing or foundation, nor permanently anchored to a building, wall, or other structure.
46. **Transit Bench Sign.** A sign located on a bench at a designated public stop, in a City of San Luis public right-of-way.
47. **Transit Shelter Sign.** A sign located on a transit shelter at a designated public transit stop in a City of San Luis public right-of-way.

48. **Tri-vision Sign.** A sign that uses vertical venetian type triangular panels to display one or more messages on an existing or proposed off-site sign. Such signs shall change at intervals of three seconds or more. This type of technology shall not be permitted on any other type of sign.
49. **Unauthorized Signage.** Any signage, irrespective of the method of installation, which is erected on property without the permission of the property owner.
50. **Under-Canopy Sign.** Any sign suspended from the underside of a canopy, roof, covered walkway, porch, or cantilever projection from a building.
51. **Vehicular Signage.** Any sign which is attached to or painted on a vehicle (motorized or drawn) which is parked and visible from the public right-of-way for the express purpose of promoting an off-site activity. Vehicular signage is subject to the regulations for Temporary Signs.
52. **Vertical Clearance.** The vertical distance measured from the bottom edge of a sign face to the street grade of the nearest driving lane.
53. **Wall-Mounted Sign.** Any sign attached to a wall of a building, whether or not parallel to the wall surface, including any sign painted on a wall surface.

Section 16.3 On-Site Signage.

- A.** Zoning District. On-site signage shall be permitted within any zoning district, subject to the general requirements of this Ordinance and the design standards as specified in this section.
- B.** Address/Nameplates. One (1) address and nameplate not exceeding one (1) square foot in area shall be allowed as a matter of right for any building within any zoning district, and shall be in addition to the maximum sign areas specified herein.
- C.** Freestanding Signs on Shared Premises. Where more than one (1) user shares the same premises, not more than one (1) permanent free-standing, on-site sign shall be allowed for each street upon which the premises front, in accordance with the design standards as specified herein.
- D.** Standards and Criteria for Permanent On-Site Signage. Any permanent on-site signage proposed for installation shall conform with the standards and criteria indicated in the Table No. 16 below. The number of any permanent on-site sign structures and the amount of any permanent on-site sign face area which already exists on any given premises shall be counted in accordance with these standards and criteria when determining the amount of permanent signage which may be added.
- E.** The support structure for any sign shall be set back a minimum of twelve (12) feet from any street right-of-way line and no vertical clearance shall be less than eight (8) feet. The minimum setback from the street right-of-way line to the leading edge of the sign face shall be a minimum of three (3) feet from the street right-of-way line.

- F. If the sign (including support structure) does not exceed three (3) feet maximum height, a minimum three (3) foot setback from the street right-of-way line shall be required.

TABLE NO. 16 - Standards and Criteria for Permanent On-Site Signage

Zoning District	Type of Installation	Max. Total Area of All Sign Face(s)	Max. Area of Any Sign Face	Max. # of Signs	Max. Height	
					Within St. Setback	Outside of St. Setback
Agricultural Districts	F-S W-M	24 sq. ft.	12 sq. ft.	1 of each installation type per street frontage	F-S: 6' W-M: n/a	F-S: 12' W-M: (*)
Residential Districts	F-S W-M	2 sq. ft. for each dwelling	2 sq. ft.	1 per dwelling unit	F-S: 4' W-M: n/a	F-S: 6' W-M: (*)
		50 sq. ft. per development	50 sq. ft.	2 per entrance		
		24 sq. ft. for each non-residential use	24 sq. ft.	1 of each installation per street frontage		
Commercial / Industrial Districts	F-S	1 sq. ft. per 1 lin. ft. of street frontage upon which the sign is located ^{(a)(b)}	300 sq.ft	1 per street frontage	35'	
Commercial / Industrial Districts	W-M R-M	15% of primary building facade	300 sq. ft.	n/a	n/a	(*)
	U-C	4 sq. ft. per front entrance	4 sq. ft.	1 per front entrance	n/a	(**)

Footnotes: F-S(Free-standing), W-M (Wall-mounted), U-C (Under-canopy), R-M (Room-mounted), n/a (not applicable)

- (*) A minimum distance below the top of the building's wall equal to ten (10) per cent of the height of the wall, or a distance equal to 25% the narrow dimension of the sign whichever is less restrictive; signs on a pitched roof must be located a minimum distance below the roofline equal to twenty (20) per cent of the building's height.
- (**) Maximum height not applicable; however, a minimum 7' vertical clearance shall be required from walking grade to the bottom of the sign.
- (a) In the event that more than one (1) sign is erected on a parcel with more than one (1) street frontage as permitted herein, a minimum space shall be required between signs equal to one-half (1/2) the length of the total street frontage. Such spacing shall be measured along the street lines. In no event shall more than one (1) permanent free-standing, on-site sign be erected on any street frontage, except as provided herein.
- (b) A free-standing on-site sign structure may be erected at the corner of any lot or parcel under one of the following options:
1. One (1) corner sign with a maximum sign face area equal to the sum of the two intersecting street frontages, up to three-hundred (300) square feet maximum, provided, however, that no other free-standing on-site sign shall be erected along either of the two intersecting frontages, or
 2. One (1) corner sign with a maximum sign face area equal to either of the two intersecting frontages, up to three-hundred (300) square feet maximum, provided however, that no other free-standing on-site sign shall be erected along whichever frontage is used for calculation purposes.

In the event that a lot or parcel has more than two street frontages, a free-standing on-site sign may be erected on each resultant corner, provided that the total number of such signs shall not exceed the total number of street frontages, and in no event shall any street frontage be counted more than once for the purpose of calculating the maximum allowable sign face area. Corner signs shall also be subject to all other design standards and requirements of this Ordinance, such as height, setback, spacing between on-site signs on the same parcel, shared premises, and the like, as may be applicable.

- G.** The maximum allowable sign height shall be thirty-five (35) feet
- H.** The maximum total sign face area as specified for this category may be distributed among each building facade or roof section.
- I.** Monument Sign. The height of any monument base or other structure erected to support or ornament the sign shall be measured as part of the sign height. The sign shall be clad to the ground with a base not less than 75% of the total sign width. The height of any monument base or other structure erected to support or ornament the sign shall be measured as part of the sign height. To encourage design flexibility, the maximum height of the sign may be lowered in order to decrease required setback from the street. No signs shall be permitted within visibility sight triangles. Low profile signs shall be setback, at a minimum, from the property line as follows:

 - 1. Over 6' in height 12 ft. setback
 - 2. 4' to 6' in height 6 ft. setback
 - 3. 4' or less in height 3 ft. setback
- J.** Directional Signage. Signage provided for the sole purpose of traffic circulation and direction on the premises shall be permitted within any zoning district in the amount of ten (10) square feet per street entrance, and shall be permitted in addition to the maximum on-site sign areas specified herein.
- K.** Public Facilities and Religious Institutions. All signs for public facilities and religious institutions, in any zoning district, shall comply with the following criteria:

 - 1. Maximum total sign face area of all signs = 150 sq. ft.
 - 2. Maximum sign face area per sign (freestanding) = 50 sq. ft.
 - 3. Maximum sign face area per sign (wall-mounted) = 100 sq. ft.
 - 4. Maximum number of signs = one of each installation type per street frontage.
 - 5. Maximum height outside streetyard setback = 19 feet.
 - 6. Maximum height inside streetyard setback = 4 feet (subject to visibility and clearance requirements).
 - 7. Minimum streetyard setback = 12 feet

Section 16.4 Temporary Signage.

- A.** Any temporary signage proposed for installation shall conform with the standards and criteria indicated in the following Table No. 17, except that the number of signs displaying only a noncommercial message may exceed the maximum number of signs on any given lot or parcel.

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- B.** In no event shall any temporary signage be erected more than sixty (60) days prior to, nor be allowed to remain more than ten (10) days after, the date of the activity, event, or other temporary condition to which the sign relates. For the purposes of this subsection, the measurement of time shall not include such date or period of the activity, event, or other temporary condition.
- C.** Lighting for temporary sign installations shall be prohibited.
- D.** Balloons and inflatable devices; Festoons. The following applies to the use of balloons, other inflatable devices, or festoons used as signs:
 1. Individual balloons, other inflatable devices, strings of balloons, or festoons shall not be higher than the building located on the site.
 2. Individual balloons, other inflatable devices, strings of balloons, or festoons shall be tethered to the ground a distance from the property line equal to the balloon height.
 3. Individual balloons, other inflatable devices, strings of balloons, or festoons are required to be maintained solely on the property of the business for which it is advertising.
 4. Individual balloons, other inflatable devices, strings of balloons, or festoons are not allowed to cross into the right-of-way, whether in the air or on the ground.
 5. Individual balloons, other inflatable devices, strings of balloons, or festoons are not allowed to be cut loose or to blow away. The maintenance and disposal of the balloons is the responsibility of the business that they are advertising. Balloons must be removed and disposed of properly.

TABLE NO. 17 – Standards and Criteria for Temporary Signage

Zoning District	Type of Installation	Max. Area of Any Sign Face	Max. # of Signs	Max. Height	
				Within St. Setback	Outside of St. Setback
Agricultural Districts	Free-standing Wall-mounted	32 sq. ft.	1 per street frontage	6'	12'
Residential Districts	Free-standing Wall-mounted	10 sq. ft. (less than 1 ac.)	1 per lot or parcel	6'	6'
		32 sq. ft. (1 ac. or more)	1 per street frontage	6'	8'
Commercial / Industrial Districts	Free-standing	100 sq. ft.	1 per street frontage	6'	12'
	Wall-mounted	32 sq. ft.	1 per building facade	A distance below the uppermost line of the wall upon which mounted, equal to ½ the vertical dimension of sign	

Section 16.5 Political Signs.

- A.** General. Notwithstanding any other statute, ordinance or regulation, the city shall not remove, alter, deface or cover any political sign if the following conditions are met:

1. The sign is placed in a public right-of-way that is owned or controlled by that jurisdiction.
 2. The sign supports or opposes a candidate for public office or it supports or opposes a ballot measure.
 3. The sign is not placed in a location that is hazardous to public safety, obstructs clear vision in the area or interferes with the requirements of the Americans with disabilities act (42 United States Code sections 12101 through 12213 and 47 United States Code sections 225 and 611).
 4. The sign has a maximum area of sixteen square feet, if the sign is located in an area zoned for residential use, or a maximum area of thirty-two square feet if the sign is located in any other area.
 5. The sign contains the name and telephone number of the candidate or campaign committee contact person.
- B.** If the city deems that the placement of a political sign constitutes an emergency, the city may immediately relocate the sign. The city shall notify the candidate or campaign committee that placed the sign within twenty-four hours after the relocation. If a sign is placed in violation of subsection A and the placement is not deemed to constitute an emergency, the city may notify the candidate or campaign committee that placed the sign of the violation. If the sign remains in violation at least twenty-four hours after the jurisdiction notified the candidate or campaign committee, the city may remove the sign. The city shall contact the candidate or campaign committee contact and shall retain the sign for at least ten business days to allow the candidate or campaign committee to retrieve the sign without penalty.
- C.** A city employee acting within the scope of the employee's employment is not liable for an injury caused by the failure to remove a sign pursuant to subsection d unless the employee intended to cause injury or was grossly negligent.
- D.** A city may prohibit the installation of a sign on any structure owned by the jurisdiction.
- E.** Subsection A applies only during the period commencing sixty days before a primary election and ending fifteen days after the general election, except that for a sign for a candidate in a primary election who does not advance to the general election, the period ends fifteen days after the primary election.
- F.** This section does not apply to state highways or routes, or overpasses over those state highways or routes.

Section 16.6 Off-Site Signage.

- A. General.** Off-site signage shall be permitted in accordance with the specific standards and criteria set forth in this section, as well as with the additional requirements and provisions of this Ordinance pertaining to all signage.
- B. Required Zoning Districts and Frontages.** Off-site signage shall be permitted only on parcels zoned with a General Commercial (C-2) or Light Industrial (L-I) zoning

classification which front along a major arterial street or minor arterial street, as classified by the Transportation/Circulation Element of the City of San Luis General Plan, and its successors.

- C. Standards and Criteria for Off-Site Signage.** Any off-site signage proposed for installation shall conform with the standards and criteria set forth in the following. The size and location of any off-site signage which already exists shall be considered when determining the amount and location of any new signage proposed for installation under these standards:

1. Sign Face Area. The maximum sign face area shall not exceed three-hundred (300) square feet.
2. Sign Height and Vertical Clearance. The maximum sign height shall not exceed thirty-five (35) feet. In all cases, a minimum ten (10) foot vertical clearance measured from street grade of the nearest driving lane to the lowest line of the sign face shall be required.
3. Setback. The minimum setback from any portion of the sign face or sign structure shall be either fifty-five (55) feet from the center line of the arterial street right-of-way or fifteen (15) feet from the right-of-way line, whichever produces the greater setback.
4. Spacing. A minimum 600 foot distance, measured as a radius, shall be required between off-site sign installations. In addition, no more than four off-site sign installations shall be located within a linear mile measured along the same street, wherein the beginning point and ending point of such mile coincide with a section line.
5. Method of installation. Each off-site sign shall be erected as a free-standing sign installation as defined by this Ordinance. No off-site sign shall be erected on the wall or roof of any building.

- D. Prohibited Locations.** Off-site signage shall be prohibited at any of the following locations:

1. Less than 150 feet from the nearest property line of any residential zoning district.
2. In any block where the front one-third of any lot or parcels used for residential purposes comprises 50% or more of the block frontage.
3. Less than 1,500 feet from the exterior boundary of any federal, state, county, or municipal historic park, monument, or district.
4. Main Street south of Co. 22nd Street.

Section 16.7 Administration.

- A. General.** The following requirements and provisions shall be applicable to all sign installations as regulated by this Ordinance, both on-site and off-site, whether permanent or temporary.
- B. Responsibilities.** The administration and enforcement of these regulations shall be the responsibility of the City of San Luis Zoning Administrator and the Building Official, in accordance with the customary duties and responsibilities of each official, respectively, and as further provided by Sec.1.9 of this Ordinance.
- C. Issuance of Building Permits.**

 - 1. Permits Required. A permit issued by the City of San Luis Building Safety Division shall be required for the installation, construction, reconstruction, alteration, or replacement of all signs and sign structures as specified in the following; failure to obtain such permit shall be considered a violation of this Ordinance. Approval of such permit by the City of San Luis shall not eliminate any requirement to secure a permit from the State of Arizona pursuant to state law where applicable.

 - a. Application. All permit applications shall be in the form prescribed by the Building Safety Division, and shall further include the information required by this Section.
 - b. Permanent signage. A permit shall be required for all permanent sign installations as regulated by this Ordinance, including the painting or other attachment of any signage on the exterior of any building, wall, roof, fence, or other outdoor surface as a new sign installation. In applying for such permit, the sign owner shall indicate in writing whether the sign is to be an on-site or an off-site sign installation.
 - c. Temporary signage. A permit shall be required for any temporary sign installation exceeding thirty-two (32) square feet in sign face area, or exceeding six (6) feet in height, provided, however, that the installer of any temporary sign exceeding ten (10) square feet in sign face area shall register its location, as permitted by this chapter, with the City of San Luis Department of Planning and Zoning. In applying for such a permit for temporary signage as required herein, the applicant shall indicate in writing the date by which such signage shall be removed.
 - d. Electrical permits. If the sign or sign structure is to be illuminated by electrical means, a separate electrical permit shall be required in accordance with the standards and requirements of the Electrical Code as adopted by the City of San Luis.
 - 2. Requirements For Permit Applications. Each application for a sign permit shall be accompanied by a plan or plan(s) drawn to scale which indicate the following:

- a. Complete dimensions to illustrate the sign face area, the height of the sign structure if freestanding, or the dimensions of the wall, roof, or canopy upon which mounted or painted.
- b. The total amount of sign face area already existing on the property, whether permanent or temporary, on-site and off-site, and their locations.
- c. The location of the sign installation on the property, as well as the location of all property lines, curb lines, curb cuts, and sidewalks pertinent to the sign location.
- d. The method of attachment, illumination, and structural support; any calculations as may be required by the Building Official shall also be included.
- e. The exact location of the property upon which the signage is to be installed, either by address or legal description.

D. Fees.

1. Permit Fee. Prior to the issuance of any permit for a sign installation, the Building Safety Division shall collect a permit fee in the amount specified by Table No. 3A of the Uniform Building Code, current edition, and any successors or amendments, as adopted by the City of San Luis.
 - a. Such fee shall be based on the total valuation of the sign and sign structure, whether or not made locally, as calculated according to the Building Valuation Data maintained by the Building Safety Division. The Building Valuation Data includes the unit cost per square foot sign face area for illuminated and non-illuminated signage.
 - b. For any addition to an existing sign or sign structure, the valuation shall be based upon the square footage of the sign face area to be added.
2. Plan Check Fee. In addition to the permit fee, a plan check fee shall be collected by the Building Safety Division in the amount of sixty-five percent (65%) of the permit fee. The plan check fee shall be required at the time that a permit is applied for and plans are submitted, and shall be paid whether or not a permit is issued.
3. Investigation Fees. Should there begin any work for which a permit is required by this Ordinance, and no permit has been issued, the Building Safety Division shall conduct a special investigation prior to issuing any permit for such work. The investigation fee shall equal, and be in addition to, the permit fee.
 - a. In addition, the party performing work shall be subject to the penal provisions of this chapter, well as the applicable provisions of any other code or ordinance adopted by the City of San Luis.
 - b. A re-inspection fee shall be assessed when the work for which the inspection is called is not complete, or when corrections previously

noted have not been made. Such fee shall be as set forth in the current Building Code and its successors, and shall be collected by the Building Safety Division prior to conducting any further re-inspections.

E. Construction and Installation Standards.

1. Codes and Ordinances. All signs, sign structures, and other components including electrical features, shall be designed, constructed, and installed in accordance with the requirements of all applicable codes, ordinances, and regulations previously adopted, or subsequently adopted, by the city. Those codes and ordinances shall dictate such standards as the means of structural support, allowable stresses, construction materials, wind loads, vibration resistance, seismic loads, electrical wiring, and the like.
2. Sign Label. The building permit number as required by the City of San Luis Building Safety Division shall be permanently affixed to each sign installation, whether permanent or temporary, for which a building permit is required under this Ordinance. Any temporary signage for which no permit is required under this Ordinance shall be affixed with the telephone number of the sign owner. Such information shall be affixed by a weatherproof label, inscription, or other permanent means, in a manner legible upon close inspection.
3. Maintenance. Every sign shall be maintained in a safe, presentable, and good structural condition at all times, including the replacement of defective parts, repainting, cleaning, and other acts necessary for the maintenance of said sign. If the sign is not made to comply with adequate safety standards, the City Building Official may require its removal in accordance with the provisions of this Ordinance.
4. Damaged or Deteriorated Signage. Any sign or structure which is damaged or has deteriorated to an extent that the cost of repair equals fifty percent (50%) or more of the replacement value of the sign if sound, shall either be rebuilt or replaced in conformance with the standards and requirements of this chapter, or be removed altogether.
5. Sign Removal. The Building Official shall cause the repair or removal of any sign that endangers the public safety, such as materially dangerous, electrically or structurally defective sign, or an abandoned sign, according to the following provisions. The following provisions pertaining to notice, appeal, and reoccurrence shall also apply to all signage which is temporary signage extending beyond the permitted time limits according to the criteria specified by this Ordinance.
 - a. Notice. Written notice shall be sent to the owner of the sign if it is an off-site sign, or to the owner of the premises upon which an on-site sign is situated. Such notice shall identify any hazards, defects, and deficiencies of the sign or sign structure, and the specific section(s) of this Ordinance or other applicable building code or ordinance adopted by the city to which the violations pertain. Said notice shall further indicate what repairs or other action, if any, would correct the violation(s) as noted, and shall specify a period of thirty (30) days for

either the repair or removal to be accomplished.

- b. Appeal. The owner of the sign, or the owner of the building or property, upon which it is situated, may appeal the order of the Building Official for removal or repair, by filing a written notice with the Building Official within ten (10) days after receipt of the notice, for final consideration by the appropriate City Board. The Board of Adjustment shall consider appeals pertaining to removal of abandoned signage, as well as any appeals from any interpretation made by the Zoning Administrator.
- c. Emergency. Should the Building Official determine that the sign or sign structure causes imminent danger to the public safety, contact shall be made with the owner to require immediate removal or correction. In the event that contact cannot be made with the owner, or the owner fails to correct the danger, the Building Official shall correct the danger by ordering the sign removal. Any sign removed by the Building Official pursuant to such emergency shall be disposed of in the manner deemed appropriate by City Council, upon recommendation by the Building Official. All costs associated with removal of such sign by the City, including all incidental costs, shall be considered a debt owed to the City by the owner of the sign if it is an off-site sign, or the owner of the property if it is an on-site sign, and shall be recovered in the following manner:
 - (1) The Building Official shall submit a report to the City Clerk for public hearing by the City Council. Such report shall include a description of the work done, an itemized account of all expenses incurred, a legal description of the property upon which the signage is or was located, and the name(s) and address(es) of the property owner and/or sign owner, if reasonably ascertainable.
 - (2) The City Clerk shall cause notice of the public hearing to be posted on the property involved, published once in a newspaper of general circulation within the city, and served by certified mail to the owner of the property if it is an on-site sign, according to the names and addresses shown on the City of San Luis assessment roll, and to the owner of the sign if it is an off-site sign if such name and address are reasonably ascertainable. Such notice as specified herein shall be given at least ten (10) days prior to the hearing, and shall further specify the day, hour, and place for the hearing.
 - (3) At the conclusion of the public hearing, the City Council shall confirm or deny the report, with or without any modifications as it deems appropriate, and shall determine whether the charges are to be recovered by personal obligation of the property owner. Should Council order that the charges shall be a personal obligation of the property owner and/or the sign owner, the City Attorney shall be authorized to collect the same by use of all appropriate legal remedies.

- F.** Variances. Variances may be granted by the appropriate City Board as specified herein, to allow relief from the design standards specified by this chapter. However, no relief shall be granted to permit the erection of signs which are prohibited by Sec. 16.1.D and Sec. 16.5.D of this Ordinance.
1. Requests for variances from the design criteria of this Ordinance, such as, but not limited to, the setback, size, height, location, spacing, and number of signs, as well as the requirements pertaining to the manner of keeping, shall be considered by the City of San Luis Board of Adjustment. Such variance requests, as well as any appeal from an interpretation made by the Zoning Administrator, shall be considered in accordance with the requirements and criteria of the Zoning Ordinance. However, since it is the intent of this chapter to secure the gradual and eventual elimination, rather than expansion, of nonconforming signs and sign structures, the Board of Adjustment shall not grant any variance to increase the degree of nonconformity for any existing signage.
 2. Requests for variances from the structural or mechanical requirements of any building code as may be adopted by the City of San Luis, or any appeal from an interpretation made by the Building Official, shall be considered by the appropriate board, such as the Board of Appeals or the Planning & Zoning Commission in accordance with their adopted procedures.
- G. Penalties.** It shall be unlawful for any person, firm, or corporation to violate, or cause the violation of any provision of 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 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.

Article 2-6, Chapter 17 – Outdoor Lighting Regulations

Section 17.0 Purpose. The purpose of this chapter is to create standards of outdoor lighting. It is intended to ensure appropriate lighting levels that support way-finding and crime prevention, assist people with visual impairments, allow flexibility in architectural design, minimize undesirable light and glare into adjoining properties, minimize light pollution into the nighttime sky and conserve energy and resources through regulation of the types, kinds, construction, installation and use of outdoor electrically powered illuminating devices.

Section 17.1 Conformance with Applicable Codes.

- A.** All artificial outdoor illuminating devices (luminaires) shall be installed and utilized in conformance with the provisions of this chapter, and all other ordinances or building codes of the City of San Luis.
- B.** Where any provisions of the Arizona State Statutes, or any federal law, or any companion ordinance conflicts with the requirements of these outdoor lighting provisions the most restrictive shall govern.
- C.** The provisions of this chapter are not intended to promote the use of any one light source, material, or method of installation. This chapter does however prohibit certain light sources. The City may consider any state of the art technology, which is consistent with the intent of the Ordinance, as new lighting technology develops which is useful in reducing light above the horizontal plane.

Section 17.2 Definitions.

- A.** The following definitions are specific terms that supplement the term “outdoor lighting” as defined in Chapter 1 of this Ordinance.
- B.** The following outdoor lighting terms shall have the following meanings.
 - 1. **Footcandle (fc).** A unit of illuminance of equal to 1 lm/ft² (lumen / sq. ft.) or 10.76 lx (lux).
 - 2. **Fully Shielded (Full Cutoff).** A fixture constructed (or shielded with an opaque material) so that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected only below a horizontal plane running through the lowest point on the fixture where light is emitted.
 - 3. **IESNA.** Illuminating Engineering Society of North America.
 - 4. **Outdoor Light Fixture (Luminaire).** Artificial outdoor illuminating devices, outdoor fixtures, lamps and other devices, permanent or portable, used for illumination or advertisement. Such devices shall include, but are not limited to: search, spot or flood lights; security lights; parking lot lighting; landscape

lighting; recreational areas and pathway lighting; exterior building or structure illumination; street lights; signage lighting; and shall include the complete lighting unit consisting of a lamp or lamps and ballast(s) (when applicable) together with the parts designed to distribute the light, to position and protect the lamps and to connect the lamps to the power supply. Traffic lights are not outdoor light fixtures.

5. **Opaque.** Impervious to the passage of light and not reflecting light.
6. **Partially Shielded (Partial Cutoff).** A fixture constructed (or shielded) so that the bottom edge of the lens extends below the bottom plane of the fixture, and that allow some light to extend above the horizontal plane extending from the lowest point on the fixture where light is emitted.
7. **Security Lighting.** Lighting that is fully shielded that is intended to provide bright illumination during emergency situations only.
8. **Spill Light.** The amount of light that illuminates beyond the range or primary area that the fixture is intended to light.
9. **Translucent.** Admitting and diffusing light so that objects and the light source beyond cannot be clearly perceived.

Section 17.3 **General Requirements.**

- A. **Illumination in General.** Exterior lighting shall provide for appropriate and desirable nighttime illumination for all uses on and related to the site, including, but not limited to, pedestrian pathways, plazas, courtyards, building entrances, parking and driveway areas, automatic teller machines (ATMs), and other outdoor spaces commonly used at night. Lighting of exterior areas shall reduce conflicts between building design and landscape treatments, provide appropriate surveillance for crime prevention, and minimize glare or intrusive light onto adjoining properties and into the night sky.
- B. **Illumination Levels.** The maximum illumination level for any on-site lighting should not exceed thirty (30) lux or three (3 fc) footcandles when measured at grade. When adjacent to or for residential uses the maximum illumination levels should not exceed ten (10) lux or one (1 fc) footcandle. Refer to the specific regulations herein for the different kind of community lighting standards and to Sec. 17.6 for exceptions and/or waivers
- C. **Light Trespass.** All outdoor light fixtures, unless otherwise stated in this Ordinance, shall be directed downward and properly aimed on the targeted areas to maximize their effectiveness and minimize the total number of lighting fixtures necessary. Outdoor light fixtures shall be directed away from any residential property and shall not detract from driver visibility on adjacent streets. Spill light from any fixture shall be minimized and shall not spill beyond the property line on which the fixture is located. In all cases the illumination levels should not exceed one (1) lux or (0.1 fc) at the property line when measured at grade.

- D. **Shielding.** All outdoor light fixtures, unless otherwise stated in this Ordinance, shall be fully or partially shielded as denoted in Table No. 18 of this section. Refer to Sec. 17.6 for exceptions and/or waivers. Light sources that must be shielded shall be shielded in a manner that the bulb or light source from the fixture is not visible from an adjoining property or from the street view when viewed horizontally to the fixture.
- E. **Preferred Light Source.** Low pressure sodium lamps are the preferred light source for minimizing adverse effects on astronomical observations. However, other light sources as outlined in Table No. 18 that are more energy efficient are also permitted.

TABLE NO. 18
Requirements for Shielding - Outdoor Lighting Regulations

Fixture Lamp Type	Shielding Requirements (4)
Low Pressure Sodium (1)	Partially Shielded
High Pressure Sodium	Fully Shielded
Metal Halide/Warm Halide (6)	Fully Shielded
Fluorescent (2) (7)	Fully Shielded
Quartz (3)	Fully Shielded
Incandescent, greater than 75 watts	Fully Shielded
Incandescent, 75 watts or less	Partially Shielded
Fossil Fuel	None
Neon, Argon, Krypton; in glass tubes (5)	None
Induction Lighting	Fully Shielded
Other lamp types (4)	As approved by the City
<p><u>Footnotes:</u></p> <ol style="list-style-type: none"> 1. This is a preferable lamp type to minimize undesirable light into the night sky affecting astronomical observations. 2. Warm, white and natural lamps are preferred to minimize detrimental effects. 3. For the purpose of this Ordinance, quartz lamps/quartz halogens shall not be considered an incandescent light source. 4. Or current Illuminating Engineering Society of North America (IESNA) guidelines; whichever is more restrictive. 5. Permitted only in Commercial Zoning Districts; prohibited in all residential zones. 6. Metal halide lighting used display purposes shall not be used for security lighting after 11:00 PM. Metal halides shall be installed only in enclosed luminaries. These lamp fixtures shall be "filtered" by glass, acrylic or translucent enclosure of the light source (clear quartz glass does not meet this requirement). Only Pulse Start Metal Halides can now be used in Arizona. 7. Outdoor advertising signs of this type constructed of translucent materials and wholly illuminated from within do not require shielding. 	

Section 17.4 **Specific Uses of Illumination.**

- A. Building and Structures.** All lighting fixtures for buildings, structures and canopies shall adhere to the following requirements. The more basic style of lighting fixtures are shown in Exhibit No. 3 is for illustrative purposes only.
1. All building mounted light fixtures shall be fully shielded and shielded in such a manner as to avoid creating concentrated light (hot spots) on the structures to which they are mounted. Residential dwellings may install partially shielded light fixtures such as sconces but only at the garage and primary entryway.
 2. Exterior fixtures shall be mounted in or on a building wall no higher than necessary to illuminate the area required.
 3. In commercial districts, within a fifteen-foot radius of the entry door, there shall be some type of lighting to distinguish the building entrance.
 4. Overhead lighting used to light building overhangs and open canopies (including service station pump island canopies) shall use flat lenses (rather than drop lenses or refractors) and/or be fully recessed within the overhang or canopy.
- B. Security Lighting.** If elected, security lighting may be permitted provided it meets the requirements outlined in the above Sec. 17.4 (A) and the following:
1. Wall mounted security light fixtures shall comply with all requirements outlined in Sec 17.4 (A) above and shall not exceed a mounting height equal to 1/3 the height of the building wall on which they are mounted. The maximum height of lighting standards (poles) used for security purposes, excluding parking lot lighting, should be twelve (12) feet.
 2. Fully shielded light fixtures that are activated with motion sensors are the preferred type for security lighting for all residential, commercial, industrial and institutional uses; rather than dusk to dawn type of security lights.
 3. In residential zoning districts the motion sensor security lighting should be controlled separately from all other lighting with the security lights being on timers that regulate their operation time to a maximum of ten (10) minutes and limited to lamps with a maximum of 750 lumens.
- C. Parking Area Lighting.** The City requires the lighting of designated parking areas. The use of short bollard style shielded light fixtures may be considered in lieu of overhead lighting for parking lot lighting particularly in residential neighborhoods or adjacent to residentially zoned property. Parking lot lighting requirements shall be as follows:
1. Within the “C-2” commercial and the “L-I” and “H-I” industrial zoning districts the maximum height of parking area lighting standards (poles) shall be twenty-five (25) feet within the interior of the parking area and sixteen (16) feet at or along the perimeter of the parking area. Within the “C-1” and “MU” Zoning Districts or if the parking area abuts a residential zoning district the maximum height of the lighting standards (poles) shall be twenty(20) feet within

the interior of the parking area and twelve (12) feet at or along the perimeter of the parking area.

2. All parking area lighting, serving commercial and industrial uses, shall be turned off one-half (1/2) hour after the close of the business that the parking area serves or as required for the safety of the employees leaving the business.
3. Within the multiple residence zoning districts lighting standards (poles) within the parking areas shall be limited to a maximum height of twelve (12) feet. Motion sensor/detector light fixtures are encouraged to be placed under the parking shade canopy to provide both security and parking area lighting.

D. Outdoor Signage. If signage is illuminated it shall adhere to the following requirements:

1. All lighting fixtures used to externally illuminate an outdoor sign shall be mounted on the top of the sign structure, shall be fully shielded and directed downward.
2. Internally illuminated outdoor signs shall be constructed with a translucent panel material and wholly illuminated from within in a manner that the bulb or light source from the fixture is not visible. Dark backgrounds with light lettering and warm white and natural lamps are preferred to minimize detrimental effects.
3. Backlit advertising outdoor signage is permitted provided the bulb or light source is not visible.

E. Ambient and Landscape Lighting. If desired ambience lighting may be permitted provided the following:

1. Short bollard style partially shielded light fixtures or low wattage ornamental twinkle string lighting of specimen trees is preferred to that of building mounted lighting.
2. All outdoor ambience lighting fixtures shall be turned off one-half (1/2) hour after the close of the business or as required for the safety of the employees leaving the business.

F. Recreational Facilities. If recreational facilities are lighted they shall adhere to the following:

1. Lighting of outdoor recreational facilities, public or private, shall be turned off one-half (1/2) hour after the conclusion of the recreational or sporting event or as required for the safety of the employees leaving the facility and shall comply fully with all regulations of this chapter.
2. Retention areas used as open space and/or equipped for recreational uses along with the sidewalk or pathways adjoining the basin area should be illuminated in compliance with this chapter. If the retention area is part of a subdivision plat the final plat shall contain a statement noting compliance with these regulations.

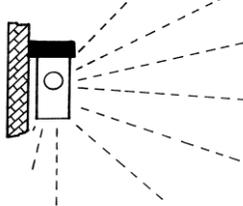
Section 17.5 Prohibitions.

- A.** The following types of lights and fixtures are prohibited in the City of San Luis.
1. Searchlights. The operation of searchlights for advertising purposes.
 2. Mercury Vapor. The installation of mercury vapor fixtures. Existing mercury vapor fixtures are encouraged to be removed and replaced with compliant lighting fixtures.
 3. Signage. Bottom mounted outdoor light fixtures for any advertising sign lighting.
 4. Security Lighting. Dusk-to-dawn lights (constantly on) are discouraged (motion sensor is encouraged). Unshielded wall-pack type fixtures are prohibited.
 5. Landscaping. Unshielded floodlight or spot light fixtures are prohibited.
 6. Floodlighting. Building mounted floodlights used for area lighting and or yard security lighting is prohibited unless the floodlight fixture is fully shielded, directed downward, and does not cause or create spill lighting.
 7. Temporary Lighting. Any temporary lighting that violates the provisions of this chapter.
 8. Fixtures and/or fixtures similar to those labeled as prohibited, in Exhibit No. 3, are prohibited by this Ordinance.

EXHIBIT NO. 3
Styles of Building Mounted Light Fixtures
(Examples)

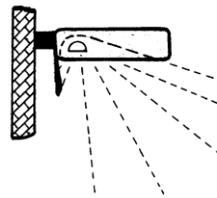
Prohibited

"Wall Pack" Lighting



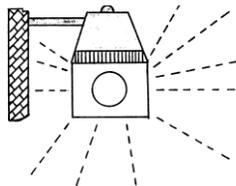
Allowed

"Shoe Box" Lighting



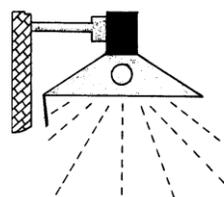
Prohibited

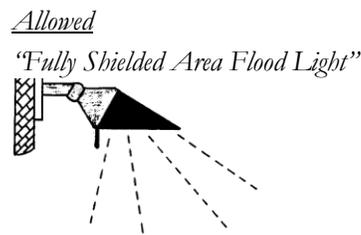
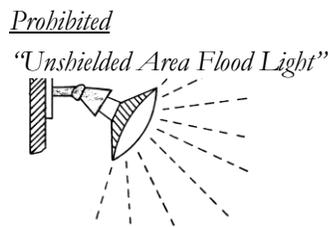
"Yard Light" Lighting



Allowed

"Opaque Reflector" Lighting





Section 17.6 Exemptions and Waivers.

- A. Exemptions.** The following types of lights are exempt from the standards in Sec. 17.3 and Sec. 17.4:
1. Fossil Fuel Light (Gas). Lighting produced directly or indirectly by the combustion of natural gas or other utility-type fossil fuels is exempt from the provisions of this chapter.
 2. Holiday Lights. Low wattage outdoor lighting fixtures for traditional holiday decorations are exempt from the provisions of this chapter and are a permitted lighting installation; including those installed by the City.
 3. Landscape Lighting. Landscape accent lighting consisting of low voltage light fixtures and/or incandescent bulbs under thirty-five (35) watts are exempt provided they are shielded.
 4. Prison Facilities. Prison facilities are exempt for public safety and security reasons.
 5. Single Residence Homes. Landscape lighting or decorative lighting consisting of low voltage light fixtures and/or incandescent bulbs under thirty-five (35) watts is exempt from the requirements of this chapter.
 6. Streetlights. Streetlights in the public right-of-way, which are governed by the City of San Luis standard details.
 7. Recreational Venues. Lighting standards (poles) for athletic playing fields shall be allowed to exceed the height requirements of this ordinance. The maximum illumination limitation level of thirty (30) lux or three (3 fc) footcandles may be exceeded until 11:00 PM. No outdoor recreational facility, public or private, shall be illuminated after 11:00 p.m. except to conclude any recreational or sporting event or other activity conducted at the sports venue, outdoor amphitheater, arena, or similar facility in progress prior to 11:00 p.m.
- B. Waivers.** Waivers from this chapter may be administratively approved by the Zoning Administrator based on consideration of evidence demonstrating that the proposed solution will provide a benefit without negative impact on the health, safety, and welfare of the community.

Section 17.7 Procedures for Compliance.

- A. Application.** Any person applying for a multiple residence, commercial or industrial building permit, a sign permit and all use permit applications that intends to install outdoor lighting fixtures shall, as a part of said application, submit evidence that the proposed lighting will comply with this chapter. The application shall contain, but shall not necessarily be limited to, the following information:
1. Plans indicating the proposed luminaire location on the building and the site (if applicable), and the type of illuminating devices, fixtures, lamps, supports, other devices, the aiming angles and a statement of the proposed hours when the luminaries will be on and when they will be extinguished.
 2. Manufacturer's catalog cut sheets and drawings that describe the illuminating devices, fixtures, lamps, lumen outputs and wattages, supports, and other devices, etc.
 3. For commercial and industrial uses and for all lighted parking lots a photometric study that includes a lux/footcandle grid that demonstrates adequate intensities and uniformity as well as the maximum lighting intensity measured at the property lines.

Article 2-6, Chapter 18 – Landscape Regulations

Section 18.0 Purpose.

The purpose of this Chapter is to establish landscape standards applicable to all Zoning Districts. The standards and regulations set forth in this Chapter shall qualify or supplement, as the case may be, the District Regulations set forth elsewhere in this Ordinance.

Section 18.1 Plant Specifications.

- A. Trees.** Where required by this Ordinance trees shall be, upon installation, a minimum of fifteen (15) gallon size with forty percent (40%) of the required number of trees to be specimen trees of twenty-four (24) inch box size or larger.
- B. Shrubs.** Where required by this Ordinance shrubs shall be, upon installation, a minimum of one (1) gallon size with forty (40%) of the required number being five (5) gallon in size. The use of cactus and/or succulents may be substituted for up to fifty (50%) percent of the required shrubs.
- C. Organic Groundcovers.** Where required by this Ordinance shall be a minimum of one (1) gallon size upon installation. Turf may also be considered for use in select areas. Turf, when used, should be hypoallergenic (midiron) grass. An irrigation system for the turf areas shall be installed by approved standards.
- D. Inorganic Groundcovers.** Where required by this Ordinance shall consist of decomposed granite (minimum size 1/2" minus). River rock, or pea gravel, in select areas, may also be considered.
- E.** The use of fruit producing species of Olive and Mulberry trees shall be prohibited.
- F.** Low water use drought tolerant plant species, as listed in Appendix A of this Ordinance, are encouraged. A drip irrigation system is the preferred method for landscape maintenance, with the exception of turf areas.

Section 18.2 Landscape Requirements for Specific Land Uses.

- A. Single Residence Developments.**
 - 1. Required landscaping for a subdivision development shall include the required open space area, retention or detention basins, along a canal right-of-way trail system if applicable, and the adjacent public right-of-way as required in Sec 18.3 of this Ordinance.
 - 2. The required landscaping for a subdivision development shall be installed in proportion to the construction phasing of the project and in accordance with the approved subdivision landscape plan.

B. Multiple Residence Developments.

1. The required landscaping for a development shall include the required common area and open space area, retention or detention basins, the canal right-of-way trail system if applicable, parking area and the adjacent public right-of-way as required in Sec 18.3 of this Ordinance. Installation of the required landscaping shall be in accordance with the approved landscape plan for the development. Any part of the lot or parcel not developed for buildings, structures, vehicular access, streets, parking and utility areas shall be landscaped.
2. The required rear and side yards shall contain a continuous, landscaped buffer area having a minimum width of ten (10) feet and containing a minimum of one (1) tree and two (2) shrubs every thirty (30) feet, or portion thereof, to provide visual screening between adjacent uses.
3. All “R-2” zoned developments that abut a single residence zoned property shall provide and maintain a landscaped buffer area, a minimum width of ten (10) feet, along the common property line. This landscaped area shall contain a minimum of one (1) tree and two (2) shrubs every thirty (30) feet, or portion thereof, to provide a visual screening between adjacent uses.
4. All “R-3” zoned property that abuts a single residence zoned property shall provide and maintain a landscaped buffer area, a minimum width of fifteen (15) feet, along the common property line. This buffer strip shall contain a minimum of one (1) tree and two (2) shrubs every twenty-five (25) feet, or portion thereof.
5. When adjacent to any single residence zoning district a perimeter wall, a maximum of six (6) feet in height and decoratively treated on all sides to match the architectural style and design of the development, shall be constructed.
6. Vehicular parking areas adjacent to the right-of-way shall be screened to a height of at least three (3) feet by either a solid decorative masonry wall or a landscaped berm or a combination thereof. The slope of any berm shall not exceed a ratio of one to two (1:2) and shall be landscaped with ground cover to prevent soil erosion. All landscape areas adjacent to the vehicular parking and access areas shall be protected by a permanent vertical barrier or containment, in order to minimize damage by vehicular traffic.

C. Commercial and Industrial Developments.

1. The required landscaping for an individual site or development shall include the required building setback area, retention or detention basins, canal right-of-way trail system if applicable, parking area, buffer areas, and the adjacent public right-of-way as required in Sec 18.3 of this Ordinance. Installation of the required landscaping shall be in accordance with the approved landscape plan for the individual site or development. Any part of the lot area not developed for buildings, structures, approved storage, loading and vehicular access, streets, parking and utility areas shall be landscaped.

2. All “C-1” zoned commercial developments that abut a residentially zoned property shall provide and maintain a landscaped buffer area, a minimum width of ten (10) feet, along the common property line. This landscaped area shall contain a minimum of one (1) tree and two (2) shrubs every thirty (30) feet, or portion thereof
3. All “C-2” zoned commercial and “L-I” and “H-I” zoned industrial developments that abut a residentially zoned property shall provide and maintain a landscaped buffer area, a minimum width of twenty (20) feet, along the common property line. This landscaped area shall contain a minimum of one (1) tree and three (3) shrubs every twenty-five (25) feet, or portion thereof. This landscape area shall not be used for parking, maneuvering or storage. The front yard landscaping is in addition to the streetscape requirements in Sec 18.3 of this Ordinance.
4. Dense landscaping, combined with architectural treatments, shall be provided to screen unattractive views and features such as storage areas, trash enclosures, transformers, generators, heavy mechanical equipment and other similar eyesores.
5. Vehicular parking areas adjacent to the right-of-way shall be screened to a height of at least three (3) feet by either a solid decorative masonry wall or a landscaped berm or a combination thereof. The slope of any berm shall not exceed a ratio of one to two (1:2) and shall be landscaped with ground cover to prevent soil erosion. All landscape areas adjacent to the vehicular parking and access areas shall be protected by a permanent vertical barrier or containment, in order to minimize damage by vehicular traffic

Section 18.3 Landscape for Specific Roadways.

A. Arterial Street Requirements.

1. Any lot, parcel or development, or portion thereof, that is adjacent to an Arterial (major or minor) Street, as classified in the San Luis General Plan, shall be required to landscape the undeveloped portion of the right-of-way, in addition to the on-site landscaping that is required by this Ordinance. A minimum of one (1) tree and three (3) shrubs and/or organic groundcover or cacti per tree shall be planted every forty (40) feet, or fraction thereof, in such a manner as to create the appearance of a tree lined street: exclusive of that portion of the public right-of-way occupied by a driveway area. Additional streetscape such as, but not limited to, benches, school bus stops, trash containers, pedestrian path and bike trail are strongly encouraged.
2. Individual property owners and/or Improvement Districts shall properly maintain all landscape materials and landscaped areas, including that within the public rights-of-way adjacent to their property or the development, in accordance with the approved landscape plan, except in and along public rights-of-way and easements where the City of San Luis has agreed to provide maintenance.

B. Collectors, Local and Neighborhood Street Recommendations.

1. For all residential lots, parcels or developments (single residence) the landscape plan should include, at a minimum, one (1) canopy-type shade tree of 15-gallon size or greater for each lot fifty (50) feet or less in width and two (2) canopy-type shade trees of 15-gallon size or greater for each lot over fifty (50) feet in width. These trees should be planted in the front yard close to the back of the sidewalk or within the right-of-way between the back of curb and the sidewalk if such a separation exists.
2. In areas not associated with a lot, a minimum of one (1) tree should be planted every thirty (30) feet, or fraction thereof, depending on the recommended spacing according to each species' needs. The trees should be planted either behind the sidewalk or between the back of curb and the sidewalk, where a sidewalk is required, in a lineal pattern creating a tree lined street
3. For multiple residence developments (condominiums, townhouses, apartments etc.) the landscape plan should include, at a minimum, one (1) canopy-type shade tree every thirty (30) feet or fraction thereof; with fifty (50%) percent of the trees being specimen trees. These trees should be planted in the front yard close to the back of the sidewalk or within the right-of-way between the back of curb and the sidewalk if such a separation exists.
4. Commercial and industrial developments should provide a minimum of one (1) tree and three (3) shrubs and/or organic groundcover for every forty (40) lineal foot of street frontage or fraction thereof; exclusive of that portion of the public rights-of-way occupied by a driveway area
5. Individual property owners, and/or Improvement Districts, should properly maintain all landscape materials and landscaped areas, including that within the public rights-of-way adjacent to the development, in accordance with the approved landscape plan, except in and along public rights-of-way and easements where the City of San Luis has agreed to provide maintenance.

Section 18.4 Parking Lot Landscape Requirements.

- A. Amount Required.** In parking lots, at least ten (10%) percent of the interior parking area shall be landscaped, exclusive of perimeter landscaping and frontage landscaping. For every eight (8) required parking spaces, or portion thereof, a minimum of one (1) tree and two (2) shrubs shall be provided within the interior of the parking area. Trees located in the interior of the parking area shall have a clear trunk of at least five (5) feet and shrubs located in the interior of the parking area a maximum height of three (3) feet for adequate visibility.
- B. Location.** Landscape areas shall be located and designed in such a manner as to break up the expanse of the parking area, better define parking circulation, and provide shade and comfort. The required landscaping shall be located in protected areas such as along walkways, in centrally located protected islands, at the ends of parking aisles, or between parking spaces. Landscape areas should contain a minimum of twenty-five (25) square feet and should have a minimum width of five (5) feet.
- C. Irrigation of Parking Lot Landscaping.** All right-of-way street frontage, perimeter

and interior parking area landscaping shall be provided with a pressurized, underground irrigation system.

- D. Maintenance of Landscaping.** The maintenance of all required landscaping, whether located on the property or within the adjoining right-of-way frontage shall be the responsibility of the property owner.

Section 18.5 Landscape Plan Submittal Requirements.

- A.** Any proposed building, building additions, or use of land shall require a site plan to be submitted to the City for review and approval. The site plan shall include information on the required landscaping in compliance with this Ordinance and the Subdivision Ordinance. The landscape information may be submitted as a separate Landscape Plan. The landscape plans shall be submitted at the time of application for rezoning or conditional use permit or at the time of building permit if none of the above applications are required and shall at a minimum contain the following:
1. Irrigation plans. Show irrigation layout for both drip system and turf system, if applicable. Include specifications and manufactures model and type for pipes, nozzles and heads.
 2. Plant Location. Call out the location of all existing and proposed species and inorganic ground covers, sidewalks, paths, curbing, fencing, walls, benches, ramadas, fountains, and waterways. Notations should be made concerning any existing trees that will be removed. For fencing and walls, provide a graphic representation as to what is intended relative to the fencing and wall theme.
 3. Right-of-way and Parking Lot Landscaping. Those areas as required by Sec. 18.3 and Sec. 18.4 of this Ordinance shall be included in the landscape plans for the project.
 4. Plant Species. Include a plant palette, in list form, on the landscape plans that call out all proposed plant species and inorganic ground covers.
 5. Plant Sizes. Call out the specific sizes of all proposed plant and inorganic ground covers. This information shall be included within the plant palette list on the landscape plan.
 6. Plant Quantities. Call out the exact quantities for each species of tree, shrub and ground cover per each size and species. This information shall be included within the plant palette list on the landscape plan.
 7. Paths, Trails, Sidewalks. Indicate the location of any proposed path, trail, or sidewalk on the landscape plan. Call out the material type and width of the surfacing of all proposed paths, trails and walks.
 8. Walls/Fencing. Call out the type and location of proposed walls/fencing, if applicable. Indicate exact material types for all fencing and walls proposed. A separate 24" X 36" wall/fence sheet may be required to be submitted.
 9. Signage. Indicate the location of any proposed signs or freestanding monument

signs to be located within the landscape area.

10. Back Flow Preventers. Where required, indicate the location of all back flow preventers and associated infrastructure.
 11. Identify existing lots, streets, fences, walls, wells, or other features as may be applicable.
 12. Identify the line of sight requirements of the City, County and State.
 13. Identify the name of the developer, project engineer, and landscape architect/designer on the plan.
- B.** All site plans and/or Landscape Plans submitted shall be reviewed and approved by the Zoning Administrator prior to the issuance of a building permit.

Article 2-6, Chapter 19 – Wireless Communications

Section 19.0 Purpose and Intent.

- A. The purpose of this Chapter is to establish general guidelines and a review procedure for the sighting of wireless communications towers and antennas.
- B. The intent of these provisions is to protect neighborhoods, protect corridors and environmentally sensitive areas, prompt co-location, prompt location on existing structures, and improve the aesthetics of the facilities through careful design and innovative camouflaging techniques.

Section 19.1 Conformance with Applicable Codes.

All towers and antennas must meet or exceed current standards and regulations of the FAA, the FCC, any other agency of the state or federal government with the authority to regulate towers and antennas, and the provisions of this Chapter. The following provisions are not intended to prevent the use of any material or method of installation not specifically prescribed by this Chapter, provided any such alternate has been approved in writing by the Zoning Administrator. The Zoning Administrator shall consider any state of the art technology, which is consistent with the intent of the Ordinance, as new wireless communication technology develops.

Section 19.2 Definitions. The following definitions are specific terms that supplement the term “telecommunications (wireless communications)” as defined in Chapter 1 of this Ordinance.

For the purpose of this chapter the following telecommunication terms shall have the following meanings.

- A. **Accessory Equipment.** Any equipment serving or being used in conjunction with a Telecommunications Facility or Support Structure. This equipment includes, but is not limited to, utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters or other structures.
- B. **Alternative Tower Structure.** Any clock or bell towers, church steeples, chimneys or stacks, elevators, light poles, power poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.
- C. **Antenna.** Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiates or captures electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunication signals, or other communication signals.
 - 1. Whip Antenna. - A long and thin device that transmits and/or receives radio frequency signals in a 360 degree radial pattern.

2. Panel Antenna. A relatively flat rectangular device that transmits and/or receives radio frequency signals in a directional pattern of less than 360 degrees.
 3. Dish Antenna. A bowl-shaped device for the reception and/or transmission of radio frequency communications signals in a specific directional pattern.
- D. Building Mounted Antenna.** Any antenna that is attached to the walls of, or integrated into buildings or parapet walls.
- E. Carrier on Wheels or Cell on Wheels (COW).** a portable self-contained telecommunications facility that can be moved to a location and set up to provide wireless services on a temporary or emergency basis. A COW is normally vehicle-mounted and contains a telescoping boom as the antenna support structure.
- F. Co-location.** The use of a single mount and/or site by more than one personal wireless service.
- G. FAA.** The Federal Aviation Administration.
- H. FCC.** The Federal Communications Commission.
- I. Height.** The height of monopoles and towers shall be measured from natural grade to the top of all appurtenances. The height of rooftop mounted communication equipment shall be measured from the roof elevation to the top of all appurtenances. The height of building mounted communication equipment shall be from the top of the equipment to natural grade.
- J. Monopole.** A facility used exclusively for PWSF mounts and is self-supporting with a single shaft of steel, concrete or wood.
- K. Mount.** The ground or the structure to which a PWSF is attached.
- L. Personal Wireless Service Facility (PWSF).** A facility for the provision of personal wireless services as defined by the Telecommunications Act of 1996, and any amendments thereto. Personal wireless service facilities are composed of two (2) or more of the following components:
1. Antenna
 2. Mount
 3. Equipment Cabinet
 4. Wall or Security Barrier.
- M. Site.** The physical location occupied by a single tower and its accompanying ground-mounted or roof-mounted equipment.
- N. Telecommunications Act of 1996.** This federal legislation established certain standards for local review of various types of antennas and other communication devices. Local governments may consider standards such as height, appearance, screening, stealth design, planting, and public safety issues (other than radiation). The

local government may not discriminate between service providers, prohibit wireless services or have the effect of prohibiting wireless services, regulate on the basis of electromagnetic radiation if the facility complies with FCC standards, make land use decisions without substantial evidence and a written record of the proceedings, or unreasonably delay decision making on proposed applications.

- O. **Tower.** Any structure that is designed and constructed primarily for the purpose of supporting one (1) or more antennas for telephone, radio and similar communication purposes, including monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, and digital and/or cellular telephone towers, alternative tower structures, and the like. The term also includes the structure and any support thereto.

Section 19.3 General Requirements.

- A. Antennas and towers may be considered as either a principal or an accessory use. A different existing use of an existing structure on the same lot shall not preclude the installation of an antenna or tower on such a lot.
- B. For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including but not limited to setback requirements, lot coverage requirements and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lot.
- C. The setback of the communication equipment and/or the accessory structures shall meet the building setbacks for the zoning district in which it is located. Towers shall be set back a distance equal to at least one hundred percent (100%) of the height of the tower from any adjoining lot line. Facilities that are located on street lights, traffic signals poles, sixty-nine (69) kilovolt or above, and existing electrical utility poles are exempt from setback requirements.
- D. Towers shall be painted or treated to minimize the contrast of the tower against the horizon. At a tower site, the design of the buildings and related structures shall use materials, colors, textures, screening and landscaping that will blend them into the natural setting and surrounding development.
- E. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be painted or treated such that they match the color and/or texture of the supporting structure.
- F. Rooftop mounted equipment shall be screened from off-site views to the extent possible by solid screen walls or the building parapet. Screening shall be integrated into and architecturally compatible with the building design.
- G. Building mounted antennas shall be mounted a minimum of one (1) foot below the top of the building wall, shall not be extended more than twelve (12) inches from the face of the building, and shall be either treated or painted to match the color and texture of the building.
- H. Towers shall be enclosed by security fencing not less than six (6) feet in height and no

more than eight (8) feet in height and shall be non-climbable. Above ground equipment cabinets shall be completely screened from view by a compatible solid wall or view obscuring fence.

- I. All equipment shall be unmanned. Equipment storage buildings or cabinets shall comply with all applicable building codes.
- J. Any exterior lighting shall be within the walled area and shall be mounted on poles or on the building wall below the height of the screening fence or wall. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.
- K. No signs shall be allowed on an antenna, on a tower or on any portion of the premises leased for wireless communication use except that each PWSF shall be identified by a permanently installed plaque or marker, no larger than one (1) foot by one (1) foot, clearly identifying the provider's name, address and emergency phone number.
- L. All new towers or poles over 40 feet in height shall allow for co-location by other wireless communications providers.
- M. Monopole towers are the preferred type of tower. Lattice-type structures are allowed but strongly discouraged. Towers or structures which require the use of guy wires are prohibited.

Section 19.4 Zoning Districts and Provisions.

- A. Wireless communication towers and antennas may only be permitted in any zoning district with a Conditional Use Permit.
- B. Amateur (ham) radio towers and antennas are permitted in the Suburban Ranch, Low Density, and Medium Density Residential Zoning Districts (SR-5", "SR-2", "R1-35", "R1-20", "R1-12", "R1-8", "R1-6", "R1-5") with these conditions:
 - 1. Such structures shall not be located in the required front yard, or required street side yard, or in front of the front line of the dwelling or principal building; and
 - 2. Such structure shall in no case be located nearer than five (5) feet to any side or rear property line; and
 - 3. Such structures does not exceed a height of fifteen (15) feet within a required side or rear yard; and
 - 4. Such structures does not exceed the maximum building height of the zoning district in which such structure is located; and
 - 5. Not more than two (2) such structures shall be erected per lot or parcel.
 - 6. The tower and antenna shall be retractable.

Section 19.5 Conditional Use Permits. The following provisions shall govern the issuance of Conditional Use Permits for towers and antennas by the Planning and Zoning Commission.

- A. If a Conditional Use Permit is required it shall be processed in accordance with Section 3.3 of this Ordinance.
- B. In granting a Conditional Use Permit the Commission may impose conditions to the extent such conditions are necessary to minimize adverse effects of the proposed tower or antenna on adjoining properties, and to blend with other similar vertical objects and not be intrusive in its setting or obtrusive to views and the surrounding landscape.
- C. When a use permit is granted for a co-location on a facility with an existing use permit, the action of granting the new use permit shall extend the existing use permit so that they will expire simultaneously.
- D. Upon compliance with the requirements of this chapter and stipulations of the Conditional Use Permit, the Building Safety Division shall issue a permit for the installation of the PWSF and/or antenna to be installed per the approved application.
- E. The review of all telecommunication devices shall comply with the Telecommunications Act of 1996. This federal legislation established certain standards for local review of various types of antennas and other communication devices. Local governments may consider standards such as height, appearance, screening, stealth design, planting, and public safety issues (other than radiation). The local government may not discriminate between service providers, prohibit wireless services or have the effect of prohibiting wireless services, regulate on the basis of electromagnetic radiation if the facility complies with FCC standards, make land use decisions without substantial evidence and a written record of the proceedings, or unreasonably delay decision making on proposed applications.

Section 19.6 Submittal Requirements.

- A. All wireless communication facilities shall submit the following information:
 - 1. All PWSF applications will go through the normal pre-application process as outlined in Chapter 3 of this Ordinance.
 - 2. A map of the service area for this facility.
 - 3. A scaled site plan indicating the location, type and height of the proposed facility, mounting style and number of antennas on each facility, on-site land uses and zoning, adjacent land uses and zoning, proposed means of access, setbacks from property lines, elevation drawings of the proposed facilities, and any other information deemed by the Zoning Administrator to be necessary to assess compliance with this Ordinance.
 - 4. Each applicant for an antenna and/or a tower shall provide the City with an inventory of its existing towers, antennas, or sites approved for towers or

antennas, that are within the jurisdiction boundaries of the City of San Luis, the City's planning area as determined by the San Luis General Plan, and within one mile of the City's border. The inventory shall include specific information about the location, height, range, design of each antenna and/or tower, and the owner/operator of the existing facilities if known. This inventory shall also include a one-year build-out plan for all other wireless communications facilities within the City planning area.

- B.** All new towers or poles shall also provide the following information:
1. A map that shows any personal wireless antenna monopoles or towers, within a mile radius of the proposed site that are existing or are currently under construction.
 2. Description of any efforts to co-locate the proposed facility on one of the monopoles or towers that currently exists, or is under construction. Provide engineering information or letters from the owners of the existing monopoles describing why co-location is not a possibility.
 3. Description of detailed efforts to locate the proposed facility on an existing vertical element, such as a building or a pole, that is comparable to the height of the proposed facility. Include a map of the sites.
 4. The applicant shall demonstrate that the engineering of a proposed new tower or pole and the placement of ground mounted facilities will accommodate other providers' facilities. The owner of the tower or pole and the property on which it is located must certify that the tower or pole is available for use by another wireless telecommunications provider on a reasonable and non-discriminatory basis.
 5. Description of efforts to blend personal wireless facilities with the surrounding area, including the process for arriving at the color for the proposed pole or tower. Describe the efforts to minimize the diameter of the pole and the mass of the tower supporting the proposed facility.
 6. Illustrate the method of fencing and the finished texture and color and, if applicable, the method of camouflage and illumination.
- C.** All new rooftop and building mounted PWSF shall also provide the following information:
1. Description of the type, height, mounting style, number of antennas, and method of screening or blending the facility with the building.
 2. Description of the process for arriving at the color of the personal wireless facility and the options that were explored for screening the personal wireless facility.
 3. Description of the alternative structures used and any structural alterations that may be required to accommodate the PWSF, such as but not limited to, elements that camouflage or conceal the presence of antennas or poles, if a pole is utilized to support the personal wireless facility.

Section 19.7 Exemptions.

- A. Communication towers and antennas designed and used specifically for public safety purposes shall be reviewed by the Zoning Administrator and are exempt from the Conditional Use Permit process. Communication towers and antennas approved for public safety purposes and which are also utilized by commercial communication companies shall be considered commercial communication towers and are subject to approval of a Conditional Use Permit.

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Article 2-6, Chapter 20 – Nonconforming Uses

Section 20.0 Purpose. The purpose of this Chapter is to provide the regulations that limit the development and continued existence of nonconforming buildings, uses, lots, and signs within the City of San Luis.

- A. These regulations are designed to protect the rights of legally existing nonconforming buildings, uses, lots, and signs under specific conditions and within certain parameters. It is also the intent of this chapter to curtail substantial investment in non-conformities and to bring about their eventual improvement or elimination in order to preserve the integrity of this Ordinance, promote adopted plans and policies, and enhance the character of the City.
- B. Any use or activity lawfully conducted under County zoning regulations at the effective date of annexation or legally established under previous zoning regulations in effect at the adoption of this Ordinance, or any amendment, shall be considered a legal nonconforming use under this Ordinance.

Section 20.1 Limitation on Buildings. A legal nonconforming building (which shall also include structures) may continue only in the manner and to the extent that it existed at the time of such enactment, amendment, or annexation, subject to the following provisions:

- A. The routine repairs or maintenance of legal nonconforming buildings is permitted.
- B. Any legal nonconforming building, which has been damaged by fire, windstorm, flood, or some similar abnormal and identifiable event, for which the cost of restoring the structure to its original condition is up to fifty (50%) percent of the assessed valuation, may be reconstructed and used as before provided that a building permit is secured, reconstruction is started within two (2) years from the date of damage, and such reconstruction is diligently pursued to completion. During this period, the property shall be maintained in a manner that does not create a life safety or hazardous condition.
- C. Any legal nonconforming building, which has been damaged by fire, windstorm, flood, or some similar abnormal and identifiable event to an extent of fifty-one (51%) percent or more of its most recent, pre-damage assessed valuation, as determined by a qualified appraiser shall lose any legal nonconforming status and may not be restored, reconstructed, replaced or used except in conformity with the provisions of the zoning district it is located in and to this Zoning Ordinance.
- D. A legal nonconforming building which ceases to be used for a period of two (2) consecutive years shall lose all nonconforming status and shall be retrofitted to comply with applicable provisions of this Zoning Ordinance.
- E. This Ordinance shall not prohibit the continued occupancy of a manufactured home which was legally located and occupied as a private residence within the City at the time of adoption of this Ordinance but is not located within the Manufactured Home Zoning District or which may not be in compliance with the requirements of Chapter 10 of this Ordinance.

Section 20.2 Limitations on Uses. A legal nonconforming use may continue only in the manner and to the extent that it existed at the time of such enactment, amendment, or annexation, subject to the following provisions:

- A. A legal nonconforming use which ceases to be used for a period of two (2) consecutive years, or is replaced by a conforming use, shall lose all nonconforming status.
- B. A legal nonconforming use shall not be changed to a different nonconforming use. This shall not prevent a name change or change in ownership of the same nonconforming use.

Section 20.3 Limitations on Lots.

- A. Routine maintenance of a legal nonconforming lot is permitted.
- B. This Ordinance shall not prohibit the continued occupancy of a building which has been legally constructed on a nonconforming lot.
- C. Any legal lot existing at the time of the enactment of this Ordinance, or any amendment, which does not conform with the required lot area may be used for any use permitted by right in that zoning district provided that the use does not constitute more than a twenty (20%) percent reduction in the required lot area and all other applicable regulations of this Ordinance are complied with.
- D. For residential zoning districts only: If the application of the Zoning Ordinance to a parcel, which was a legally constituted lot on which development would have been permitted prior to the adoption date of this Ordinance, would prevent the development of at least one single residential dwelling unit, the parcel may be developed with one (1) single residential dwelling pursuant to all other provisions of this Ordinance.

Appendix A – Landscape Plant List

This list does not include all of the possible Low Water Use/Drought Tolerate Plants; rather it lists those that the City of San Luis would prefer to have used within the public rights-of-way. Not every plant listed is suited to every right-of-way or low water use landscape situation. It is the responsibility of the landscape designer, architect or contractor to determine which plants are suitable for a specific location and situation.

TREES

Acacia smallii - Desert Sweet Acacia
A. greggii - Catclaw Acacia
A. willardiana - Palo Blanco
A. saligna - Wattle
A. schaffneri - Twisted Acacia
Cercidium floridum - Blue Palo Verde
C. praecox - Palo Brea
C. microphyllum – Foothills Palo Verde, Little Leaf Palo Verde
Celtis reticulata - Western Hackberry
C. pallida – Desert Hackberry
Chilopsis linearis - Desert Willow
Dalbergia sissoo – Sissoo Tree
Lysiloma thornberi – Desert Fern, Fern-of-the-desert
Olneya tesota – Ironwood
Pithecellobium flexicaule - Texas Ebony
Prosopis velutina - Velvet Mesquite
P. glandulosa - Texas/Honey Mesquite
P. pubescens - Screwbean Mesquite
Schinus molle – California Pepper Tree
Ulmus parvifolia cv. ‘Sempervirens’ – Chinese Evergreen Elm

CACTI and SUCCULENTS

Agave - many species
Carnegiea gigantea - Saguaro
Echinocactus grusonii - Golden Barrel
Echinocereus engelmannii - Hedgehog Cactus
Ferocactus acanthodes - Compass Barrel
Opuntia violacea - Purple Prickly Pear
O. basilaris - Beavertail Prickly Pear
Yucca elata - Soaptree Yucca
Y. brevifolia - Joshua Tree
Y. baccata - Banana Yucca

GROUNDCOVERS

Baileya multiradiata - Desert Marigold
Dalea greggii - Trailing indigo Bush
Lantana spp. – Trailing Lantana
Melampodium leucanthum - Blackfoot Daisy

City of **San Luis**

Oenothera berlandiere – Mexican Evening Primrose
Stachys coccinea - Texas Betony
Zauschneria californica - Hummingbird Trumpet

SHRUBS

Ambrosia deltoidea – Triangleleaf Bur-sage
Atriplex leatiformis - Quail Bush
Caesalpinia mexicana - Mexican-bird-of-paradise
C. pulcherrima - Red-bird-of-paradise
C. quilliesii - Yellow-bird-of-paradise
Calliandra californica - Baja Red Fairy Duster
C. eriophylla – Pink Fairy Duster
Cassia wislizeni - Shrubby Senna
Dalea frutescens - Black Dalea
D. pulchra - Pea Bush
D. versicolor - Indigo Bush
Dodonaea viscosa - Hopbush
Encelia farinosa - Brittlebush
Fouquieria splendens - Ocotillo
Hesperaloe pariflora - Hesperaloe
Justicia californica - Chuparosa
J. spicigera - Orange Hummingbird Bush
Larrea tridentata - Creosote
Leucophyllum frutescens - Texas Sage or Green Cloud
L. candidum - Silver Cloud
L. laevigatum - Chihuahuan Sage
Penstemon eatoni - Firecracker Penstemon
P. parryi - Parry's Penstemon
P. pseudospectabilis - Desert Penstemon
P. superbus - Superb Penstemon
Ruellia spp. - Ruellia
Salvia spp. - Sage
Senna spp. - Cassia
Simmondsia chinensis – Jojoba
Sphaeralcea ambigua - Globe Mallow
Tecoma stans - Arizona Yellow Bells