

ORDINANCE NO. 626 N.S.

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF TOLLESON, ARIZONA, AMENDING THE CODE OF TOLLESON, ARIZONA, CHAPTER 12 LAND USAGE, ARTICLE 12-4 ZONING – GENERAL PROCEDURES BY AMENDING SECTION 12-4-169 PROCEDURES – SITE PLAN REVIEW AND BUILDING PERMITS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES AND PROVIDING FOR SEVERABILITY.

WHEREAS, the Mayor and Council of the City of Tolleson desire to amend the City Code to adopt updated versions of the Chapter 12 Land Usage, Article 12.4 Zoning – General Procedures by amending Section 12-4-169 Procedures – Site Plan Review and Building Permits;

WHEREAS, reasonable regulations relating to building, construction, and property maintenance are in the best interests of residents to protect public health and safety; and

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF TOLLESON, ARIZONA, as follows:

Section 1. In General.

The Code of Tolleson, Arizona, Chapter 12 Land Usage, Article 12-4 Zoning – General Procedures by amending Section 12-4-169 Procedures – Site Plan Review and Building Permits is hereby amended to read as follows (additions in **ALL CAPS**; deletions in ~~strikeout~~).

Article 12-4 Zoning – General Procedures

§ 12-4-169 SITE PLAN REVIEW AND BUILDING PERMITS.

(A) *Applicability.*

- (1) All development in the City of Tolleson, except detached or attached single-family units on individual lots, shall be subject to site plan review as provided in this article.
- (2) All applications for rezoning, except those involving a detached or attached single-family units on individual lots, shall be accompanied by a site plan prepared in accordance with this section; the site plans shall be submitted together with the rezoning application.

- (B) *Submittal requirements.* The applicant is encouraged to meet with appropriate city staff prior to making application for site plan approval to discuss the development concept, the review and approval process, and the submittal requirements. An application for site plan review shall be submitted to the ~~Building~~**DEVELOPMENT SERVICES** Department on an official form provided by the department together with the appropriate fees as set forth in ~~§ 12-4-170 and § 12-5-16~~ **IN THE CITY'S FEE SCHEDULE**. The application shall contain

sufficient information for the city to determine whether the proposed development meets the requirements of the city. Said information shall include, but is not limited to, the following:

- (1) Site plan, inclusive of the following, as applicable:
 - (a) Name of project.
 - (b) Legal description.
 - (c) Address or location.
 - (d) Assessor's parcel number(s).
 - (e) Zoning of subject property and adjacent properties.
 - (f) Vicinity map showing location of parcel.
 - (g) North arrow.
 - (h) Legend.
 - (i) Scale (of a standard engineering scale not less than 1" = 50').
 - (j) Title block indicating the person(s) and/or firm(s) that prepared the plan, address, phone number, and email along with date of original preparation and date(s) of subsequent revision(s).
 - (k) Owner and developer information including contact person, address, email and phone number.
- (1) Property dimensions and area.
- (m) Required setbacks.
- (n) Existing and proposed structures and land uses on-site and immediately adjacent to the site.
- (o) Proposed density in units per acre and/or buildings per lot.
- (p) Parking (required and proposed including ADA spaces) and circulation and fire lanes.
- (q) Any other pertinent features proposed for the site such as monument or freestanding signs, screening or perimeter walls and fences, etc.
- (2) Building elevations, colored and depicting each side of each building;
- (3) Preliminary grading and drainage plan, inclusive of retention basin calculations and FEMA floodplains, as applicable;
- (4) Preliminary utility plan; and
- (5) Preliminary landscaping plan.

(C) *Site plans review.*

(1) The ~~Building~~ **DEVELOPMENT SERVICES** Department shall review all submitted site plan applications. If the Department determines that the proposed site plan:

- (a) Is consistent with the health, safety and welfare of the community; and
- (b) Is in harmony with the purposes and intent of this article, the general plan, the zoning code and any other applicable plan for the area, then the Department may recommend site plan approval to the **ZONING ADMINISTRATOR** ~~City Council~~ and may recommend the conditions and safeguards as the Department deems necessary to satisfy the provisions in this article, the general plan and zoning code.

(2) The Department may determine that the conditions required for approval do not exist and, thereupon, recommend site plan denial **TO THE ZONING ADMINISTRATOR.**

(D) ~~*City Council action.* Upon recommendation from the Building Department, the City Council shall hold a public hearing on the proposed site plan. Notice of the public hearing shall be provided by mailing a notice of public hearing at least 15 days prior to the public hearing to each owner of property as last disclosed by Maricopa County real estate tax records, situated wholly or partially within 300 feet of the subject property. The applicant shall furnish to the Building Department with its application the names, addresses and stamped addressed envelopes for the property owners, and the Department shall mail the notices. The City Council may approve the site plan and may impose the conditions and stipulations as it deems necessary to satisfy the requirements of the general plan, zoning code and this article. If the City Council determines that the site plan does not meet the minimum requirements for approval, it may deny the site plan, or refer the plan back to the Building Department for review and amendment.~~

(E) *Building **AND ENGINEERING** permits based upon approved site plan.*

- (1) For all development subject to site plan review, an approved site plan and proper zoning are required prior to the commencement of any construction or development on the site.
- (2) The applicant shall obtain the necessary building, **ENGINEERING** and/or construction permits within 180 days of the date of approval of the site plan. If a **BUILDING, ENGINEERING AND/OR CONSTRUCTION** permit is not obtained within the 180-day time frame, the applicant may, prior to the

date of expiration, file a request for an extension, whereupon the Zoning Administrator may authorize a one-time, 180-day extension. If the time frame has expired, the applicant shall submit a new site plan, together with the applicable documents and fees as stipulated in the above provisions.

- (3) All applications for a building permit shall be made on forms provided by the city and shall be accompanied by ~~four copies~~ a digital copy of plans, as specified by the ~~Building~~ **DEVELOPMENT SERVICES** Department, with all commercial, industrial, ~~or~~ multi-family developments **OR** subdivision plans sealed by an Arizona registered architect or engineer, drawn to scale, showing the location and actual shape and dimension of the lot to be built upon; the exact size and locations on the lot of any existing buildings, the lines within which the proposed building shall be erected or altered, the intended use of new buildings and their total square footage.
- (F) *Amendments to approved site plans.* Any change or modification to an approved site plan shall be considered an amendment to the site plan. For all site plan amendments, revised site plans incorporating the changes shall be submitted to the ~~Building~~ **DEVELOPMENT SERVICES** Department. Site plan amendments shall be classified as major or minor and processed accordingly.
- (1) *Criteria for major amendments.* Any modification which, as determined by the ~~Building~~ **DEVELOPMENT SERVICES** Department, substantially changes the approved site plan, shall be considered a major site plan amendment. The Department shall consider all amendments that would increase project gross land area, building square footage, or residential densities by more than 10%; materially change project land use; or alter traffic or pedestrian circulation patterns, to be major site plan amendments.
 - (2) *Criteria for minor amendments.* Any modification which, as determined by the ~~Building~~ **DEVELOPMENT SERVICES** Department, does not substantially change the approved site plan, shall be considered a minor site plan amendment. The Department shall consider changes such as minor dimensional building configuration and landscape changes, as well as the addition of shade structures, to be minor site plan amendments.
 - (3) *Approval of major amendments.* If the ~~Building~~ **DEVELOPMENT SERVICES** Department determines that an application **is MEETS THE CRITERIA** for a major site plan amendment, a new application form together with the revised site plan, associated materials, and the application fee shall be submitted to the ~~Building~~ **DEVELOPMENT SERVICES** Department and shall be subject to the application and site plan review processes as herein set forth.

- (4) *Approval of minor amendments.* If the ~~Building~~ **DEVELOPMENT SERVICES** Department determines that an application ~~is~~ **MEETS THE CRITERIA** for a minor site plan amendment, the Department shall approve or deny the application through the ~~building~~ permit process.

Section 2. Providing for Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference are hereby repealed.

Section 3. Providing for Severability.

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance or any part of the Code adopted herein by reference is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED by the Mayor and Council of the City of Tolleson, Arizona this 26th day of August, 2025.

Juan F. Rodriguez, Mayor

ATTEST: _____
Crystal Zamora, City Clerk

APPROVED AS TO FORM: _____
Justin Pierce, City Attorney