

WHEN RECORDED RETURN TO:

City of Tolleson
ATTN: Crystal Zamora, City Clerk
9555 West Van Buren Street
Tolleson, Arizona 85353

OFFICIAL RECORDS OF MARICOPA
COUNTY RECORDER HELEN PURCELL
20150884025,12/15/2015 01:38 P.M.
ELECTRONIC RECORDING
Ord560NSCh12MiscRev-8-1-1--,N

ORDINANCE NO. 560 N.S.

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF TOLLESON, ARIZONA, AMENDING THE CITY ZONING ORDINANCE, CHAPTER 12, LAND USE, ARTICLES 12-4 AND 12-5 CLARIFYING THAT BOTTLING OF NON-ALCOHOLIC BEVERAGE USES REQUIRE A USE PERMIT; ADDING STORAGE OF PETROLEUM PRODUCTS AS AN ALLOWED ACCESSORY USE TO WAREHOUSING; PROHIBITING MOBILE HOMES, TRAVEL TRAILERS, AND RECREATIONAL VEHICLES AS DWELLING UNITS IN C-1 AND C-2 DISTRICTS; CHANGING SIGN SETBACK REQUIREMENTS; AND HOUSEKEEPING CHANGES TO DELETE INCONSISTENCIES AND UNNECESSARY PROVISIONS.

WHEREAS, all due and proper notices of public hearings on this Ordinance held before the City of Tolleson Planning and Zoning Commission (the "Commission") and the Council of the City of Tolleson, Arizona (the "City Council") were given in the time, form, substance and manner provided by ARIZ. REV. STAT. § 9-462.04; and

WHEREAS, the Commission held a public hearing on this Ordinance on December 8, 2015, after which the Commission recommended to the City Council that this Ordinance be approved; and

WHEREAS, the City Council held a public hearing on this Ordinance on December 8, 2015; and

WHEREAS, storage of gasoline and other petroleum products should be allowed in permitted warehouse districts as an accessory use to allow warehouse users to refuel trucks on site; and

WHEREAS, signage maintenance requirements need to be uniformly applied; and

WHEREAS, several housekeeping amendments need to be made to the Zoning Code to clarify the Code's requirements.

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

Section 1. Section 12-4-41 (B) (12) of the Tolleson City Code is hereby amended to read as follows:

COMMERCIAL DISTRICTS

§ 12-4-41 - PERMITTED USES.

...

(A) In the C-1 District, the following uses are permitted in enclosed buildings with exterior walls and roof systems of materials approved and accepted by the International Building Code

...

(12) All uses permitted in the R-2 District **SUBJECT TO ALL R-2 ZONING REQUIREMENTS IF A MULTIFAMILY DWELLING AND SUBJECT TO ALL R1-7 ZONING REQUIREMENTS IF A SINGLE FAMILY DWELLING**; and

...

Section 2. Section 12-4-43 of the Tolleson City Code is hereby amended by adding the following subsection:

§ 12-4-43 - PROHIBITED USES.

...

(F) MOBILE HOMES, TRAVEL TRAILERS AND RECREATIONAL VEHICLES ARE PROHIBITED AS DWELLING UNITS IN ALL C-1 AND C-2 DISTRICTS.

Section 3. Section 12-4-61(A) of the Tolleson City Code is hereby amended by deleting subsection 12 and renumbering the following subsections.

§ 12-4-61 - PERMITTED USES.

...

~~(12) Bottling of non-alcoholic beverages, including but not limited to milk, soft drinks and iced tea, coffee and other similar drinks and beverages (See Ord. 328, N.S., passed 4-26-1994);~~

(123) Construction offices and repair shops such as carpentry, plumbing, electrical, upholstery and appliance repair;

(134) Plant nurseries;

(145) Other uses similar to those permitted under the I-1 District as determined by the Zoning Administrator, and subject to the approval of a use permit pursuant to §§ 12-4-168 through 12-4-170.

Section 4. Section 12-4-62(A) and (C) of the Tolleson City Code is hereby amended to read as follows:

§ 12-4-62 - USES SUBJECT TO USE PERMIT.

...

- (A) In the I-1 District. Only specific uses are designated as uses permitted subject to a use permit in each zoning use if approved by the Tolleson City Council at a public meeting as per §§ 12-4-165 through 12-4-170, Procedures:

...

- (10) STORAGE OF GASOLINE AND PETROLEUM PRODUCTS FOR EMERGENCY POWER OF GENERATION OR FOR REFUELING OF COMMERCIAL VEHICLES AS AN ACCESSORY USE TO WHOLESALING OR WAREHOUSING FACILITY PERMITTED UNDER § 12-4-61 (A)(10).

...

- (C) In the I-2 District, ~~located 1,000 feet,~~ WITH A MINIMUM 1,000 FOOT SEPARATION FROM OTHER SIMILAR USES, sexually orientated businesses are allowed under the provisions of Ordinance 432, N.S., Ordinance 365, N.S. and Ordinance 366, N.S.

...

Section 5. Section 12-4-91 of the Tolleson City Code is hereby amended to read as follows:

§ 12-4-91 - APPLICABILITY.

The Downtown Tolleson CORE District covers the area generally known as downtown Tolleson.

~~(A) Boundary.~~

- ~~(1) The location and boundaries of the CORE District are established as shown on the map entitled "Downtown CORE Zoning District" as amended, a copy of which is on file in the offices of the City Clerk and the City Engineer.~~
- ~~(2) Where the Central Business District (CBD) and the CORE District overlap, the CORE District shall prevail on matters relating to development of property within the CORE District. The CBD shall remain in full force and effect for its stated statutory purpose for property within the CORE District.~~

Section 6. Section 12-4-98(D)(3)(b) of the Tolleson City Code is hereby amended to read as follows:

§ 12-4-98 - SIGNAGE REGULATIONS.

...

(D) Sign types.

...

- (3) Temporary signs are permitted as provided below:

...

- (b) Temporary signs, except human directional (billboards) and sign spinners, may be permitted subject to the approval of a use permit pursuant to §§ 12-4-168 through 12-4-170 for a maximum of 44 30 days, which may be used consecutively, within a six-month period. One administrative extension may be granted, within the same semi-annual period, after written request by the applicant to the ~~Economic Development Director~~ **ZONING ADMINISTRATOR**.

...

(P) ALL SIGNS LOCATED IN THE CORE DISTRICT SHALL BE SUBJECT TO THE MAINTENANCE REQUIREMENTS OF § 12-4-134 AND PROHIBITED SIGNS UNDER § 12-4-135.

Section 7. Section 12-4-169(C) of the Tolleson City Code is hereby amended by deleting subsection (C) and renumbering following subsequent subsections as follows:

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

...

~~(C) Notification of site plan review. The Building Department shall mail a notice of site plan review within five working days of the submittal date of the site plan application to each owner of property as last disclosed by 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.~~

~~(C)~~ Site plans review.

- (1) The Building 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 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.

~~(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 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 and/or construction permits within 180 days of the date of approval of the site plan. If a building 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 of plans, as specified by the Building Department, with all commercial, industrial or multi-family developments on 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.

(FG) 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 Department. Site plan amendments shall be classified as major or minor and processed accordingly.

...

Section 8. Section 12-4-170 of the Tolleson City Code is hereby amended by deleting subsection (B), deleting the word “overlay” from the fee matrix and renumbering subsequent subsections as follows:

§ 12-4-170 - FILING PROCEDURE AND FEE SCHEDULE.

(A) In addition to the documents required for site plan review above, an applicant requesting a zoning amendment, use permit or variance shall file the appropriate application, provided by the Zoning Administrator, a legal description and a current title report of the property under request.

~~(B) In addition to the other requirements set forth in this section of the zoning code, the applicant for a use permit, variance or zoning amendment shall, with his or her application and fees for the request, file with the City Clerk a petition which shall be signed by at least 51% of the property owners (that is 51% of adjoining land area), or in the alternative, 51% of the residents owning property within 300 feet of the property seeking the use permit, variance or zoning change, except that signatures of property owners within 300 feet having the same zoning district classification, use permit or variance as sought by the applicants, shall not be required. Property owners are defined as those persons who pay taxes on the property in question.~~

~~(1) (a) The petition to be submitted shall contain a statement at the top above all signatures setting forth briefly the purpose of the use permit, variance or zoning change and what the applicant is requesting be granted.~~

~~(b) A site plan showing the proposed change shall be attached to and made a part of the petition to be signed by neighbors.~~

~~(2) (a) In the event that an applicant cannot obtain the owners' consent of 51% of the property which is within 300 feet of the property seeking the use permit, variance or zoning change; the applicant may petition the City Council for permission to proceed with the application without the 51% approval.~~

~~(b) The City Council may for good cause waive the 51% requirement and permit the Commission and the City Council to conduct further public hearings pursuant to the notice or publication requirement heretofore set forth in this zoning code on the proposed use permit, variance request or zoning change.~~

(BG)(1) Each and every request for zoning amendments, variances, use permits and site plan review shall be accompanied by a non-returnable/non-refundable per ~~page~~ **APPLICATION** review fee in accordance with the fee schedule adopted by the City of Tolleson and a non-returnable/non-refundable application fee in the amount set forth below: (See Ord. 346, N.S., passed 5-28-1996)

Zoning map amendments	\$1,500
P.A.D. zone	\$200, plus \$5 per dwelling unit
Zoning ordinance amendments	\$600

Use permit requests	\$300
Variance requests	\$250
Appeals	\$200
Site plan review:	
Single-family residential districts	\$750
All other residential districts	\$1,200
Commercial and industrial districts	\$2,000

- (2) The City of Tolleson zoning code requires that for every request for zoning amendments, variances, use permits and site plan review Fee be accompanied by, among other things, a non-returnable/non-refundable per page review fee. The following is the list of non-returnable/non-refundable per page review fees applicable hereto. (See Ord. 346, N.S., passed 5-28 -1996)

Additional Type of Request	Per Page Fee
Zoning map amendments	\$350 per page
Pad overlay zone	\$400 per page
Zoning ordinance amendments	\$300 per page
Use permit requests	\$200 per page
Variance requests	\$200 per page
Appeals	\$200 per page
Site plan reviews	
Single-family residential districts	\$350 per page
All other residential districts	\$450 per page

Commercial and industrial districts	\$600 per page
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Section 9. Section 12-5-15 of the Tolleson City Code is hereby amended by deleting subsection (B) as follows:

FEES

§ 12-5-15 - UNIFORM CODE FEES.

~~(A) Various fees and penalties as set forth in the international building codes adopted by the city in Chapter 12, Article 12-1, of this code shall be paid as prescribed by the code's latest edition.~~

~~(B) International building codes used by the city for which this fee structure is reaffirmed include, but are not limited to, the following:~~

- ~~(1) The International Plumbing Code, 2006 Edition, including Appendix Chapters C, D, E and F, as published by the International Code Council, Inc., with amendments;~~
- ~~(2) The National Electrical Code, 2005 Edition, as published by the International Code Council, Inc., with amendments;~~
- ~~(3) The International Mechanical Code, 2006 Edition, as published by the International Code Council, Inc., with amendments;~~
- ~~(4) The International Building Code, 2006 Edition, including Appendix Chapters H and I, as published by the International Code Council, Inc., with amendments; and~~
- ~~(5) The International Fire Code, 2006 Edition, and the International Fire Code Supplement, including appendices, as published by the International Code Council, Inc., with amendments.~~

Section 10. Section 12-5-16(C) of the Tolleson City Code is hereby amended to read as follows:

§ 12-5-16 - SITE PLAN REVIEW AND DEVELOPMENT FEES.

The applicant for site plan review, as set forth in § 12-4-169, of this code, shall pay to the city for review in accordance with the following schedule:

...

(C) Commercial or industrial: a fee of \$2,000 per ~~acre with a \$2,000 minimum for a fraction of an acre~~ **APPLICATION.**

(Ord. 235, N.S., passed 11-27-1984)

Section 11. If any section, subsection, sentence, clause, phrase or portion of this Ordinance by reference is for any reason to be held invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section 12. The Mayor, the City Manager, the City Clerk and the City Attorney are hereby authorized and directed to take all steps and to execute all documents necessary to carry out the purpose and intent of this Ordinance.

PASSED AND ADOPTED by the Mayor and City Council of the City of Tolleson, Arizona, this 8th day of December, 2015.



Adolfo F. Gámez, Mayor

ATTEST:



Crystal Zamora, City Clerk

APPROVED AS TO FORM:



Shiela B. Schmidt, City Attorney