



DEVELOPMENT PROCEDURES

for

Building Permits, Plan Review,

Zoning Site Plan Review

Re-Zoning, Variances

and

Diminution of Value Waiver

REV 01/22/24

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BUILDING PERMIT FLOW

The City of Tolleson requires that any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by City of Tolleson Codes or cause any such work to be done, shall first make an application to the Building Department for a Building Permit and obtain such before work can begin.

A. When the owner or authorized agent submits the application for building permit, the application must be accompanied by the following only if it is applicable:

Application: Application form shall be complete as it pertains to your situation;

1. Part A - Identification must be complete.
2. Part B - Description of work details the work to be done and must be complete.
3. Part C – Licensing and exemptions.
4. The application must be signed and dated.

Site Plan: The site plan shows the location of the new construction and all existing structures or buildings on the site, distances from the lot lines (property lines) on all sides to each building or structure and to new additions. The proposed construction must meet the Tolleson Zoning Ordinance for compliance with the various zoning districts. If the proposed project does not meet the Zoning Ordinance then the owner or authorized agent must revise the site plan to meet the zoning ordinance or apply for a variance by the Board of Adjustment. If the site plan meets the Zoning then the application process continues.

Construction Plans: Construction plans shall be of sufficient clarity to indicate the nature and extent of the work proposed and show in detail that it will conform to the provisions of the City of Tolleson Codes, regulations and City Ordinances.

B. If the owner or authorized agent intends to alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, then the following must be submitted:

Application: Application must be completely filled out correctly

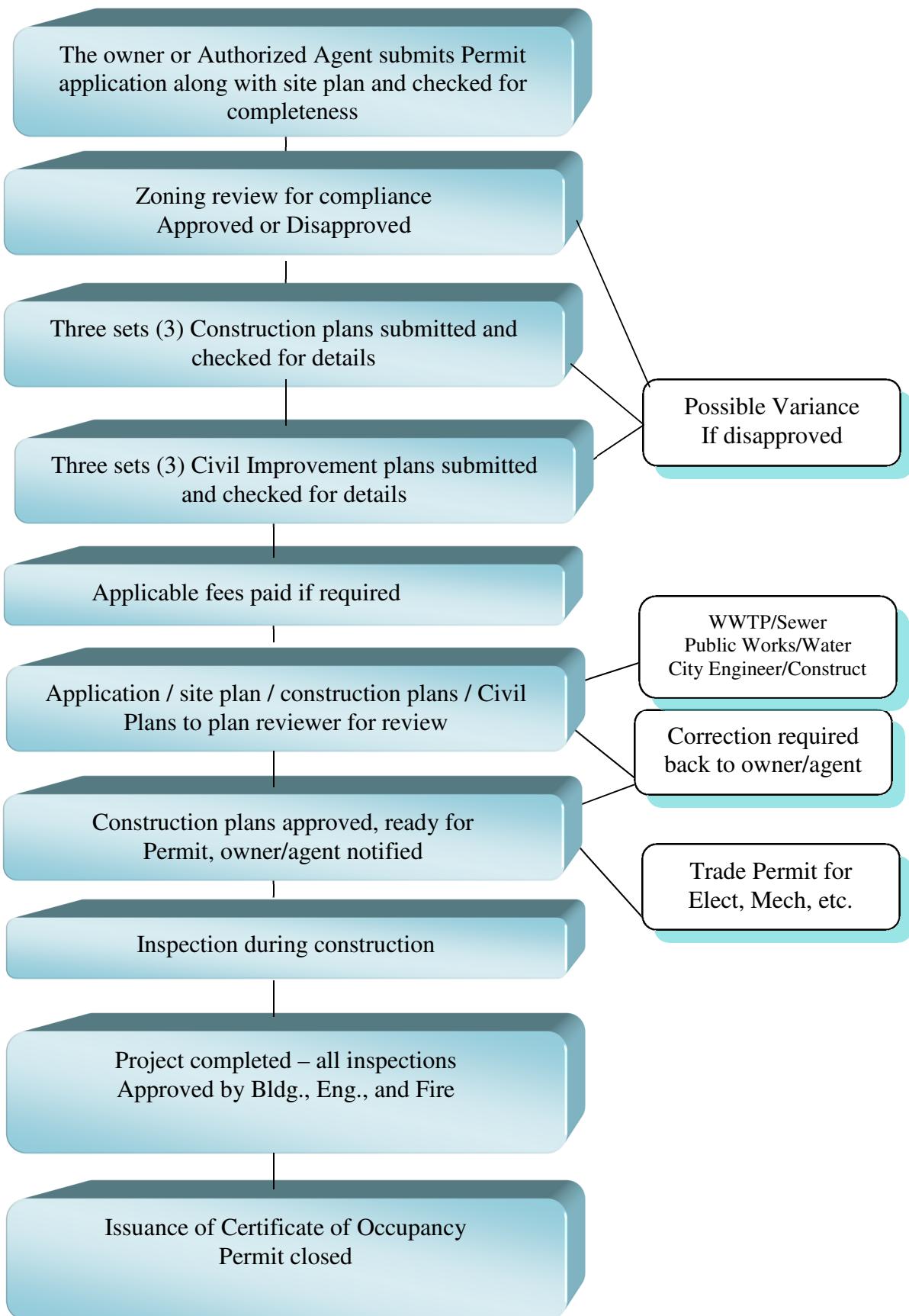
Site Plan: The site plan would show the location of the existing structures and buildings on the site, the location of the work to be done. Example: New Electrical service (location). New plumbing system (replace sewer line) location.

Construction Plans: Construction plans shall be of sufficient clarity to indicate the nature and extent of the work proposed and show in detail that it will conform to the provisions of the City of Tolleson Codes, regulations and City Ordinances.

The City of Tolleson has adopted the International Codes with no amendments and:

The International Building Code 2018, International Residential Code 2018, The International Plumbing Code 2018, The International Mechanical Code 2018, National Electrical Code 2017 and The International Property Maintenance Code 2018, International Fire Code 2018.

BUILDING PERMIT FLOW CHART



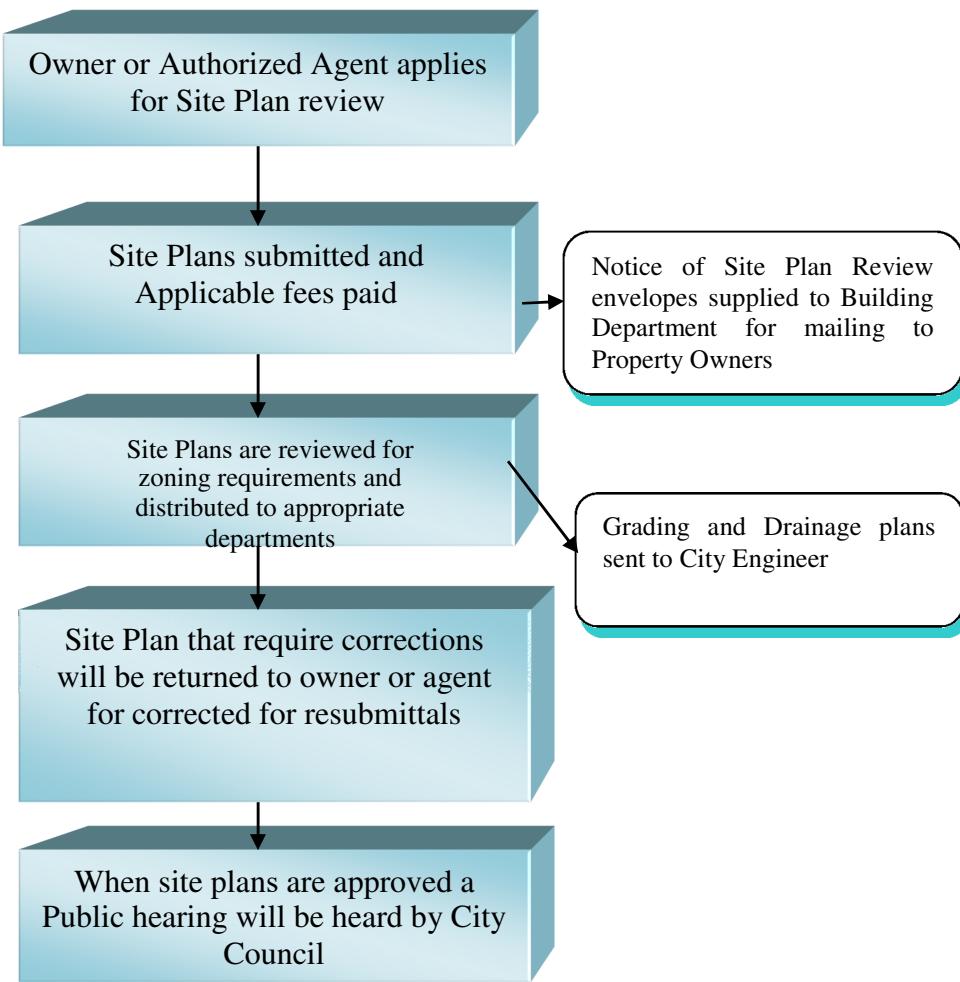
PLAN REVIEW PROCESS

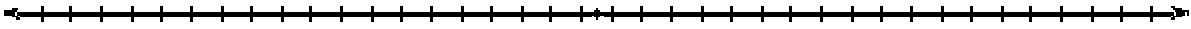
The plan review process is a process in which the plans submitted are reviewed for compliance with the adopted applicable codes of the City of Tolleson. The following is the procedure that takes place:

1. The application, one digital copy of Construction Plans, plus one digital copy of Civil Improvement Plans must be submitted to Development Services. Please note: there are fees for proposed construction.
2. The application and set of engineering plans for Off-site infrastructures improvements must be submitted as a separate submittal from the original construction plans. A fee (**non-refundable**) will be paid at the time of the submittal.
3. The plans are then given to the plan reviewer for review for compliance with the adopted codes. The typical time for review, depending on the complexity of the plans and the project will usually take 2-4 weeks on major commercial, industrial and multifamily apartment complexes. Plans are reviewed in the order they were submitted.
4. Plans submitted for additions, repairs, single family residences, remodeling, etc. usually takes 1-2 weeks to review. Plans are reviewed in the order they were submitted.
5. Upon completion of the plan review one of the following will occur:
 - a. On commercial, industrial, multifamily residential apartment complex projects, written plan review redlines are provided. The owner or authorized agent is notified that the plan review is complete and that there are comments/corrections to be done. If there are no comments and the plans meet the building codes then the plans are stamped approved and signed.
 - b. In commercial, industrial and multifamily apartment complexes and any project requiring civil engineering, the City Engineer will provide the plan review. City Engineer will make comments/corrections and notify the owner or authorized agent of the corrections to be made.
6. All plans that have comments/corrections to be made must be re-submitted with one digital corrected set. The review will consist of reviewing the new changes in the plans only. Once they have been reviewed and meet the City Codes, then the plans are stamped approved and signed.
7. **All engineering plans requiring corrections/comments must be approved prior to the issue of a building permit.** The City Engineer will notify the Tolleson Building Department of the approval of plans for each proposed project.
8. All fire protection issues for commercial, industrial, and multifamily apartment complexes are handled by Development Services. The Development Services Department will review all submittals. Contact: 623-936-7111 if you have any question regarding review procedures.

PLEASE NOTE: SEPARATE SUBMITTALS ARE REQUIRED FOR ENGINEERING
& BUILDING PLANS – PLEASE DO NOT COMBINE

ZONING SITE PLAN REVIEW FLOW CHART





ZONING SITE PLAN REVIEW

Before any building permit is issued for any major commercial or industrial construction projects within the City of Tolleson, the City shall review the site plan of the proposed project and approve it. The following is the procedure that takes place:

1. The owner or authorized agent for a preliminary proposed site plan on a project will apply for a zoning site plan review and pay applicable fees as per Ordinance #346, at time of application.

Fees on page # 9

2. The owner or authorized agent shall submit with his building application a preliminary site plan consisting of one digital set as described below.
3. This preliminary site plan shall show the location of all improvements which will be done on the property for the project. The plan shall show the locations of the improvements: ingress and egress to the proposed project, all fences, walls, and landscaping. The site plan shall also show any existing improvements. The site plan shall consist of the following for all the improvements:
 - a. Site Plan
 - b. Building Elevations
 - c. Landscaping Plan
 - d. Grading and Drainage Plan with Calculations
4. The Zoning Administrator (City Manager) shall designate a Site Plan Review committee, consisting of appropriate members of the City of Tolleson staff including the Building Official, the City Engineer, and the Fire department.
5. The site plan review committee shall review the preliminary site plan of the proposed project, an average of (2) two to (4) four weeks and if it deems necessary request changes to the improvements for compliance with the Zoning Ordinance. After the owner or authorized agent has corrected the site plan and has made the changes as per the site plan review committee's comments and complies with the City of Tolleson Zoning Ordinance then the site plan will be ready for City council approval. The owner or authorized agent shall submit twelve (12) sets of the corrected site plan for city council consideration.
6. ***Application for Site Plan Approval.*** An application for Site Plan Review shall be submitted to the Development Services Department on an official form provided by the Department. The application shall satisfy the submittal requirements as required by the Department. The application shall contain sufficient information for the City to determine whether the proposed development meets the development requirements of the City.

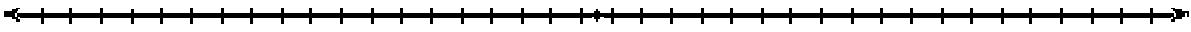
7. ***Notification of Site Plan Review.*** The Development Services Department shall mail a notice of Site Plan Review at least fifteen (15) days prior to the public hearing to each owner of property as last disclosed by Maricopa County real estate tax records, situated wholly or partially within three hundred (300) feet of the subject property. The applicant shall furnish to the Department with its application the names, addresses, and stamped, addressed envelopes for the property owners, and the Department shall mail the notices.
8. ***Site Plan Review.*** The Development Services Department shall review all submitted Site Plan applications. If the Department determines that the proposed Site Plan 1) is consistent with the health, safety, and welfare of the community; and 2) is in harmony with the purposes and intent of this Ordinance, the General Plan, the Zoning Ordinance and any other applicable plan for the area, then the Department may recommend Site Plan Approval to the City Council and may recommend such conditions and safeguards as the Department deems necessary to satisfy the provisions in this Ordinance, the General Plan and Zoning Ordinance. The Department may also determine that the conditions required for approval do not exist and, thereupon, recommend Site Plan denial.
9. ***City Council Action.*** Upon recommendation from the 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 fifteen (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 three hundred (300) feet of the subject property. The applicant shall furnish to the 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 or impose such conditions and stipulations as it deems necessary to satisfy the requirements of the General Plan and Zoning Ordinance. 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 Department for review and amendment.
10. A public hearing shall be held by the Tolleson City Council for the purpose of site plan approval. The owner or authorized agent will be notified of the date, time and place of the public hearing. The Tolleson City Council shall have the right to accept the approved recommendations of the Zoning Administrator. The council may reject the recommendations or remand the matter to the site plan review committee for further improvements and considerations.
11. ARTICLE X (F) (3) of the City of Tolleson Zoning Ordinance 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 to Article X (F) (3) of the Zoning Ordinance (See Ord. No. 346, N.S.)

The applicant shall obtain the necessary building and/or construction permits within one hundred eighty (180) days of the date of approval of the Site Plan. If a building permit is not obtained within the one hundred eighty (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, one hundred eighty (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.

Type of Request	Additional Per Page Fee:
1. Zoning Map Amendments	\$350.00
2. PAD Overlay Zone	\$400.00
3. Zoning Ordinance Amendments	\$300.00
4. Use Permit Requests	\$200.00
5. Variance Requests	\$200.00
6. Appeals	\$200.00
7. Site Plan Reviews	
(a) Single Family Units	\$750.00
(b) Multifamily Residential Units	\$1,200.00
(c) Commercial and Industrial Districts	\$2,000.00

Application Fees

1. Zoning Ordinances Amendments	\$600.00
2. Use Permit Request	\$300.00
3. Variance Requests	\$250.00
4. Appeals	\$200.00
5. PAD Overlay Zoning	\$200.00 plus \$5.00 per Dwelling Unit
6. Site Plan Reviews	
(a) Single Family Residential Districts	\$750.00
(b) All other Residential Districts	\$1,200.00
(c) Commercial and Industrial Districts	\$2,000.00



BUSINESS LICENSES

In the City of Tolleson, under the City of Tolleson City Code, Ordinance #119, Article 8, Section 8-3-2, every person having a gross proceeds of sales or gross income upon a privilege tax is imposed by this article desiring to engage in or to continue in business activities within the City of Tolleson, shall make application for a business license.

It is unlawful for any person to carry on any trade, calling, profession, occupation or business, without having a business license from the City of Tolleson.

Persons wanting to engage in business, trades or occupation shall apply to the City for a privilege license (business license). Applications can be obtained at the City of Tolleson City Hall Complex along with fee schedule and other special requirements and information. Applications for business license must be complete and filled out legibly.



TOLLESON BUSINESS LICENSE APPLICATION

• Building Dept - ATTN: Licensing • 9055 W Van Buren – Tolleson AZ 85353 • Ph (623) 936-7111 • Fax (623) 936-7117

(Please Type or Print Legibly in Ink)

SECTION A – BUSINESS INFORMATION

(*) Indicates REQUIRED Information

1. Legal Business Name*			
2. Business or DBA (Doing Business As) Name*			
3. Physical Location of Business (Street Address, City, State, Zip Code)*			
4. Business Phone Number* (Local): _____ (Out of State): _____		5. Business Fax Number* (Local): _____ (Out of State): _____	
6. Mailing Address			
7. Name of Point of Contact for the Business*			
8. Point of Contact Phone Number*			
9. Start Date of Business/Activity in Tolleson*		10. Will this be open to the public?* <input type="checkbox"/> YES <input type="checkbox"/> NO	
11. Location of Record for Tax Purposes (Street Address, City, State, Zip Code)*			
12. Federal Employer Identification Number*			
13. Social Security Number (Sole Proprietors)*			
14. Email Address*			
15. Type of Ownership* <input type="checkbox"/> Individual/Sole Proprietorship <input type="checkbox"/> Partnership		<input type="checkbox"/> Limited Liability Company <input type="checkbox"/> Limited Liability Partnership <input type="checkbox"/> Corporation	<input type="checkbox"/> Sub-Chapter S Corporation <input type="checkbox"/> Association <input type="checkbox"/> Other _____
16. Identification of Owners, Partners, Corporate Officers, Members (or Managing Members):			
Name (First, Middle Initial, Last)*	Title	Complete Residential Address*	Phone Number*

17. Enter Certificate/License Number(s) AND provide copies of the following items (if applicable to your business type):

Arizona Transaction Privilege Tax License*	<input type="checkbox"/> Copy	License #:
Arizona Registrar of Contractors License(s)* -- List all issued to the business	<input type="checkbox"/> Copy	License #:
County Health Certificate(s)*	<input type="checkbox"/> Copy	License #:
Any applicable State-issued Professional License(s)*	<input type="checkbox"/> Copy	License #:
Articles of Incorporation/Articles of LLC*	<input type="checkbox"/> Copy	File #:
List of Rental Properties by Address*	<input type="checkbox"/> Copy	(See G-1 Supplement)
Liquor License – State of Arizona	<input type="checkbox"/> Copy	License #:

----- IMPORTANT -----

This application must be approved and receipted before you may lawfully engage in business in the City of Tolleson.
WRITTEN NOTIFICATION IS REQUIRED TO CLOSE A BUSINESS LICENSE ACCOUNT

SECTION B – BUSINESS ACQUISITION INFORMATION (Complete this section if you acquired all or part of an existing business)

1. Date Acquired*

2. Name of Previous Owner(s)*

3. Former Name of Business (if different)*

SECTION C – BUILDING CONSTRUCTION

In the City of Tolleson, are you:

1. Making any changes, modifications or alterations to an existing building/structure?

 YES NO

2. Building a new structure?

 YES NO

3. Demolishing/demolition work, earth moving or wrecking activity?

 YES NO

4. Nature of business and/or products or services to be sold:

5. Project Name: _____ Permit # (if known): _____

Address: _____
_____**SECTION D – BUSINESS CATEGORY**

(NOTE: If more than one business, check all that apply and indicate which are primary business functions.)

<input type="checkbox"/> Convenience Store	<input type="checkbox"/> Beer/Wine	<input type="checkbox"/> Liquor	<input type="checkbox"/> Coin Operated Machines/Mechanical Amusement
<input type="checkbox"/> Restaurant	<input type="checkbox"/> Alcohol		<input type="checkbox"/> Door-to-Door Identification
<input type="checkbox"/> General Retail			<input type="checkbox"/> Sponsor/Promoter
<input type="checkbox"/> Contractor (General/Sub-Contractors)			<input type="checkbox"/> Special Event
<input type="checkbox"/> Mobile Vending (Mobile Foodservices)			<input type="checkbox"/> Professional
<input type="checkbox"/> Rental			<input type="checkbox"/> Tattoo/Body Piercing Artist/Establishments
<input type="checkbox"/> Property Management			<input type="checkbox"/> Massage Establishment
<input type="checkbox"/> Service			<input type="checkbox"/> Sexually-Oriented Business
<input type="checkbox"/> Home-Based Operations			<input type="checkbox"/> Non-Profit
<input type="checkbox"/> Day Care (Commercial)	<input type="checkbox"/> Day Care (In-Home)		<input type="checkbox"/> Other _____

SECTION E – COIN OPERATED MACHINES / MECHANICAL AMUSEMENT: Article 5-5 City Code

This includes, but is not limited to, coin operated machines such as vending machines, video games, pinball machines, mechanical-grabbing and any coin-operated device or game in which the element of chance predominates over the element of skill of player.

ONE to FIVE GAMES:

Number of Machines _____ @ \$50.00 per machine + \$60.00 License Fee = \$ _____

GAME CENTERS – SIX OR MORE GAMES:

Number of Machines _____ @ \$350.00 per machine + \$60.00 License Fee = \$ _____

SECTION F – MOBILE VENDORS (MUST provide copies of ALL of the following documents): State Transaction Privilege License (TPT License) issued by the Arizona Department of Revenue Maricopa County Health Inspection Vehicle Registration Maricopa County Health Certificate/Permit Vehicle Insurance Card/Policy Certificate of Liability Insurance for the Business

List License Plate Number(s): _____

SECTION G – LANDLORD INFORMATION (complete this section if renting property in the City of Tolleson)

Landlord's Name*

Landlord's Address*

Landlord's Telephone Number*

SECTION G-1 SUPPLEMENT – RENTAL PROPERTY / PROPERTY MANAGEMENT

List ALL Rental Property in Arizona – include Street Address and Zip Code:

Total Number of Units in Tolleson*

Total Number of Units in Arizona*

Description of rental property (i.e., single family/multi-family/commercial/industrial):

SECTION H – DOOR-TO-DOOR SOLICITORS (see additional sheets if needed)

Name	Date of Birth	Phone Number
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Residential Address (Street, City, State and Zip Code):

IF 18 YEARS OR OLDER: List any felony and misdemeanor convictions, date of conviction and grounds of such convictions. Please exclude those for minor traffic offenses.

IMPORTANT: *The Sponsoring Business must provide a signed letter detailing the proposed activity (i.e., advertising, sales, soliciting, etc.), along with a copy of the current City business license. If working for multiple entities, a letter and license copy is required from each entity.*

SECTION I – SPECIAL EVENTS

The Sponsors/Promoters of an event must provide a list that includes their name, their City of Tolleson license number, the event name, location of the event, the dates of the event, each vendor's name, vendor type of ownership, vendor type of business, vendor's City of Tolleson license number (if applicable), vendor's TPT license number (if applicable), vendor's Department of Health permit number (if applicable), and a description of the goods/services to be provided by the vendor at said event.

SECTION J – APPLICANT SIGNATURE (NOTE: This form MUST be signed by a representative of the business)

Under penalty of perjury, I, the applicant, declare that the information provided on this application is true and correct. This authority is to remain in full force and effect until the City of Tolleson has received written termination notification.

Type or Print Name*

Date*

Signature*

Title*

FOR OFFICIAL USE ONLY – BUSINESS LICENSE APPLICATION STATUS

<input type="checkbox"/> APPROVED	<input type="checkbox"/> DENIED	BY: _____	DATE : _____	COT LIC #: _____
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LICENSING ELEGIBILITY REQUIREMENT (ARS § 41-1080)

In accordance with ARS 41-1080, effective October 1, 2008, individuals submitting a license application must present one of the following documents:

<input type="checkbox"/> An Arizona driver license issued after 1996 or an Arizona non-operating identification license.
<input type="checkbox"/> A driver license issued by a state that verifies lawful presence in the United States.
<input type="checkbox"/> A birth certificate or delayed birth certificate issued by any state, territory or possession of the United States.
<input type="checkbox"/> A United States certificate of birth abroad.
<input type="checkbox"/> A United States passport.
<input type="checkbox"/> A foreign passport with a United States visa.
<input type="checkbox"/> An I-94 form with a photograph.
<input type="checkbox"/> A United States citizenship and immigration services employment authorization document or refugee travel document.
<input type="checkbox"/> A United States certificate of naturalization.
<input type="checkbox"/> A United States certificate of citizenship.
<input type="checkbox"/> A tribal certificate of Indian blood.
<input type="checkbox"/> A tribal or Bureau of Indian Affairs affidavit of birth.

This requirement does not apply to an individual if both of the follow apply:

<input type="checkbox"/> The individual is a citizen of a foreign country or, if at the time of application, the individual resides in a foreign country.
<input type="checkbox"/> The benefits that are related to the license do not require the individual to be present in the United States in order to receive those benefits.

SECTION J-1 APPLICANT SIGNATURE (NOTE: This form MUST be signed by a representative of the business)

By completing and signing this form, applicant shall attest that it meets all conditions contained herein. Failure to complete and/or falsification of any information provided herein shall subject the applicant to revocation of the business license.

I hereby attest that this application complies with the Federal Immigration and Nationality Act (FINA), all other federal immigration laws and regulations, and A.R.S. §23-214 related to the immigration status of its employees.

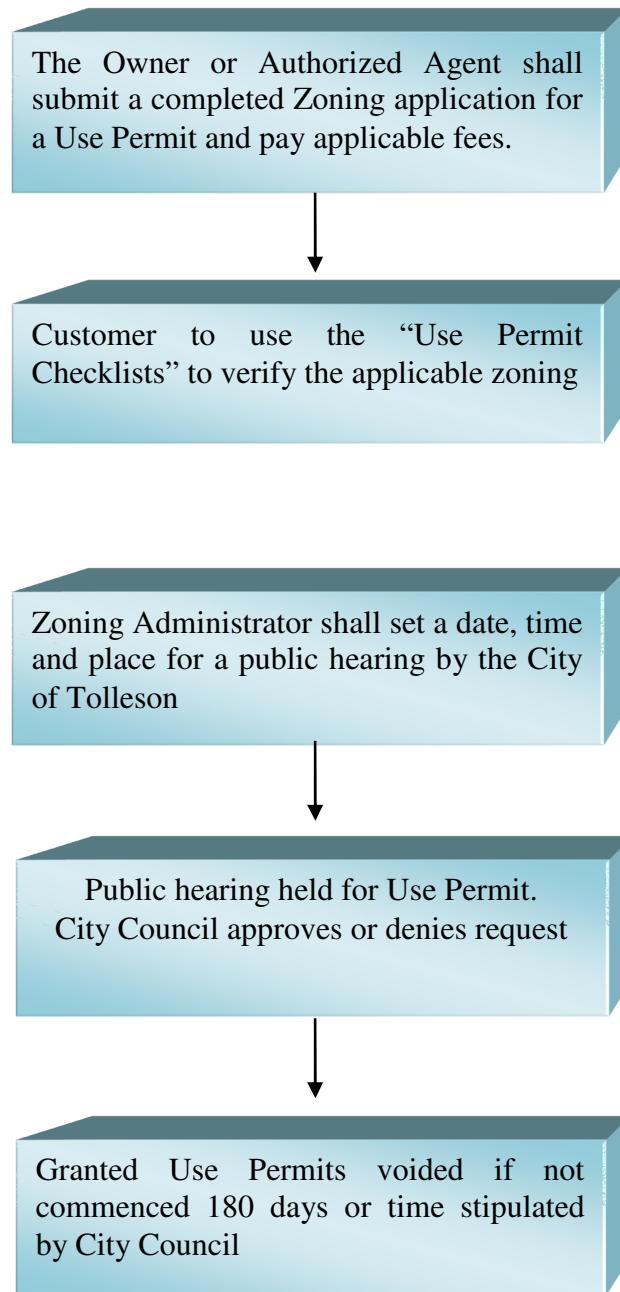
Name of Business*	Signature*
Date*	Type or Print Name*
FOR OFFICIAL USE ONLY	
<input type="checkbox"/> AFFIRMED BY CITY OF TOLLESON	AUTHORIZED SIGNATURE: _____
	DATE: _____



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USE PERMIT FLOW CHART



USE PERMITS

The City of Tolleson in each zoning district designates specific uses permitted only by a Use Permit. In order for any changes in that designated use, the owner or authorized agent shall have a Use Permit approved by the City of Tolleson City Council in a public hearing. Application for a Use Permit in the zoning district is as follows:

1. **The owner or authorized agent shall submit a zoning application which can be obtained at the City hall complex main counter. He or she shall completely fill out the application and the reason for the request. All supporting documentation shall also be included with the application. A filing fee (as indicated on the form) shall be paid at the time of submittal.**

Note: An inspection of the premises (land) and structure shall be conducted with a paid applicable fee prior to the submittal of the application for use permit and the associated fees to ensure that the premises meets the Tolleson zoning code requirements and the structure or building meets the Tolleson Building Codes. This shall be provided to the applicant so as to be aware what requirements would have to be met in order to obtain the use permit and obtain a Certificate of Occupancy for their operation or business.

2. The City Council shall hear requests for Use permits at a public hearing at a date; time and place specified by the Zoning Administrator (City Manager) and shall be published fifteen days prior to hearing in the official paper or newspaper of general circulation.
3. The City Council may approve or deny the request for a Use Permit in that zone if it finds the following:
 - Whether or not the use requested will substantially or permanently injure existing or proposed uses or values of nearby properties.
 - Whether or not the use requested will substantially alter the essential character of the nearby area.
 - Whether or not the use requested will weaken the purpose and intent of the zoning use district in which the property under request is located.
 - Whether or not physical aspects, such as increased traffic, noise, lighting and activity will negatively impact adjacent properties.
4. The Tolleson City Council may prescribe such conditions as deemed necessary in order to fully carry out the provisions and intent of the Tolleson Zoning Ordinance.
5. The City of Tolleson City Council has the sole discretion of granting or denying the use permit request. There are no inherent rights of the Use Permit being granted just because it is written in the Zoning Ordinance.
6. Use Permits granted by the City Council shall be void if the use is not commenced, or if a building permits has not been obtained within one hundred eighty (180) days of such granting or within the time stipulated by the Tolleson City Council.
7. See Fee Schedule Page 9.

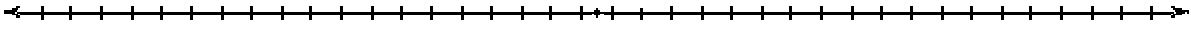


USE PERMIT CHECK LIST

The following items shall be required for the application of a Use Permit and for the verification of the property in question. It is the owners' responsibility for the zoning requirements being adhered to and any existing or new structure that will be on the property will meet the intent of the City Codes.

Requirements

- Completed and signed Application for a Use Permit with a description of the proposed use for the zoning district which there is a proposed use.
- A site plan of the property including any structures and accessory buildings, setback measurements from the property lines (rear, sides and front of each structure), parking area, screening and including any other site improvements.
- Completed and signed application for a Business License, if applicable.
- Process of your Use Permit application shall not progress until an inspection of the property has been done by building inspector and a non-refundable fee of \$47.00 is paid. Once the inspection has been made the applicant shall receive a letter with either approval or denial to proceed with the Use Permit.
- Once the inspection is completed, the applicant may withdraw his or her application for Use Permit as the results of the inspection. If applicant decides to go forward with the Use Permit, the balance of the fees must be paid minus the \$47.00 inspection fee.



USE PERMIT APPLICATION

An inspection of the premises (land) and structure shall be conducted with a paid applicable fee prior to the submittal of the application for use permit and the associated fees to ensure that the premises meets the Tolleson zoning code requirements and the structure or building meets the Tolleson Building Codes. This shall be provided to the applicant so as to be aware what requirements would have to be met in order to obtain the use permit.

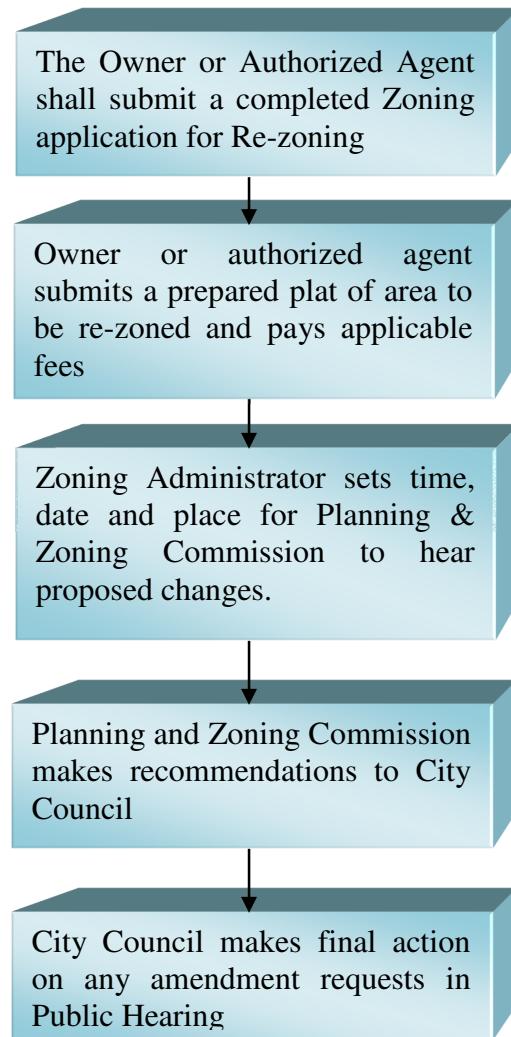
Inspection fee: \$47.00

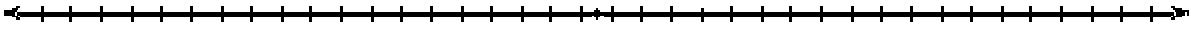
The areas that will be covered by this inspection are as follows:

- Inspection of the structure or building to ensure that it meets the 2018 International Building Code, 2018 Mechanical Code, 2018 International Plumbing Code, 2017 National Electrical Code, The 2018 International Energy Code, 2018 International Fuel Gas Code.
- An inspection of the premises (land) to ensure that it meets the Tolleson Zoning Code requirements: Zoning Requirements (in the correct zoning district), Screening requirements, Parking requirements, Drainage requirements, Landscaping requirements and Sign requirements.

Each applicant may elect to submit their application for use permit and must meet the inspection results and correct all conflicts or defects.

RE-ZONING FLOW CHART





RE-ZONING APPLICATION PROCESS

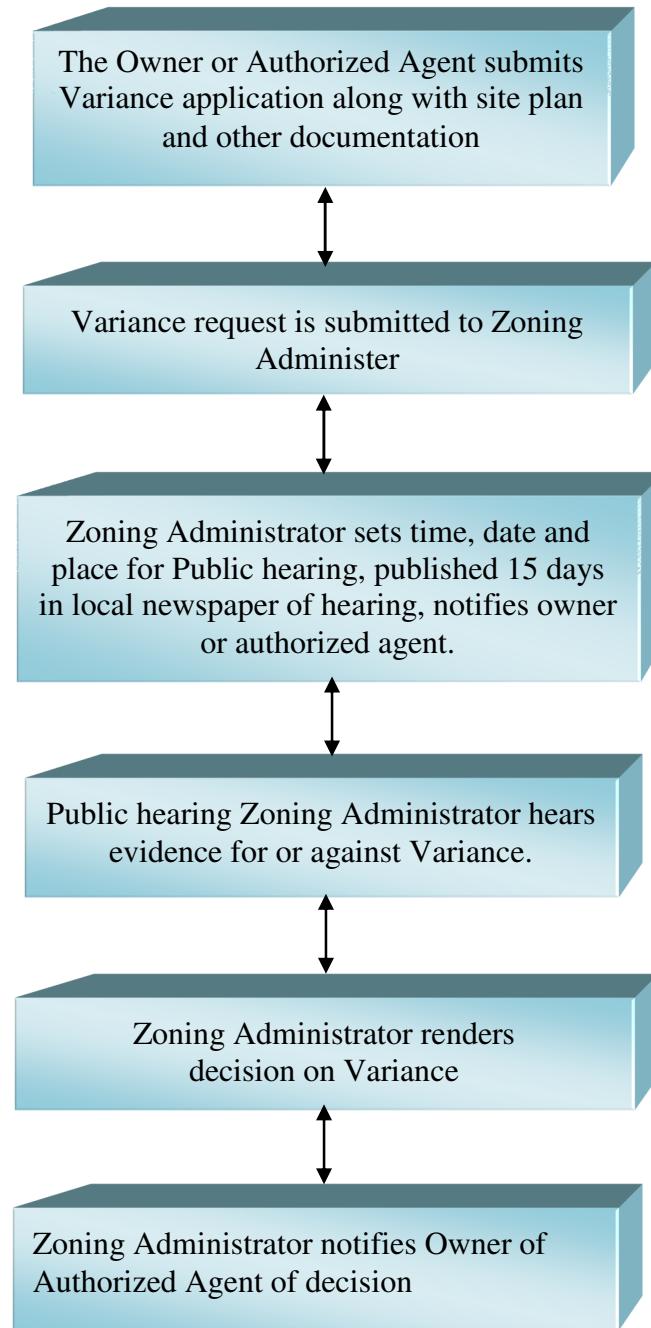
The City of Tolleson has established Zoning Districts per Ordinance #274. Owners or authorized agents who wish to re-zone property that has an established zoning district will need to submit an application. The following are the requirements needed for submittal of the application.

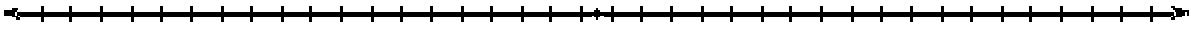
1. The application shall have the following documentation included:
 - a. A plat prepared by an Arizona registered Land Surveyor or a professional Engineer (registrant that has demonstrated proficiency in that type of work) and sealed. Complete legal description of the plat or the meets and bounds of the property in question and any supporting documentation.
 - b. The owner or authorized agent shall pay a filing fee as per Ordinance #346:

1. Zoning Map Amendments	\$1,500.00
2. Zoning Map Amendments of Documents	\$350.00 per page
 - c. The Zoning Administrator (City Manager) shall set the date, time and place for a public hearing of the Planning and Zoning Commission to hear the proposed changes. A fifteen day notice of the time and day and place of such hearing shall be published at least one time in the official paper or newspaper of general circulation and by mailing notices to all government agencies and property owners who, in the opinion of the commission may be affected by such amendments, supplement or change.
 - d. The Planning and Zoning Commission after the public hearing shall make their recommendations to the Tolleson City Council.
 - e. The Tolleson City Council shall take final action at a public hearing by any of the following actions on any amendment request:
 1. Approve.
 2. Approve with conditions.
 3. Deny
 4. Table for further study or future action.
 - f. No amendment, supplement or change in any of the provisions of the ordinance or in the boundaries of any of the districts established there under shall become effective until thirty (30) days after a public hearing by the Tolleson City Council in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard.
- g. See fee Schedule Page 9.



VARIANCE PROCESS FLOW CHART





VARIANCES

The City of Tolleson has adopted a Zoning Ordinance that has minimum or maximum requirements in the various zoning districts throughout the city. These requirements may present a conflict with proposed projects that may be developed within the city limits by owners and authorized agents. For this reason, an owner or an authorized agent may from time to time have to apply for a variance (relief of the requirements) in order to proceed with their project in that zone. The following are the procedures for applying for a variance.

- The owner or authorized agent shall fill out an application for a variance and pay the applicable filing fee. The application may be obtained at Tolleson City Hall complex. The application shall be accompanied by the following documentation for the each type of variance requested. Each request is a separate variance and all applicable filing fees shall be paid. The following is a list of the typical types of variances and their required documentation for each:

Types of Variances

- A. **Variance:** Set aside the Rear, Side or Front yard setback requirements in a Residential, Industrial or Commercial District.
 1. **Site Plan:** The site plan shall be of sufficient clarity to show the location of the new construction and all existing structures on the site, distances from the lot lines (property lines) on all sides to each structure or new additions. This site plan shall also show the reduced dimensions of the setbacks in question which he is requesting relief.
- B. **Variance:** Set aside the maximum lot coverage in a Residential, Industrial or Commercial District.
 1. **Site Plan:** The site plan shall be of sufficient clarity to show the size of the lot including dimensions and square footage.
- C. **Variance:** Set aside the maximum building height in an Industrial and Commercial District.
 1. **Site Plan:** The site plan shall of sufficient clarity to show the location of the new proposed construction and all existing structures (if any) on the site, distances from the lot lines(property lines) on all sides to each new proposed structure or existing structures.
 2. **Building Elevation:** This plan shall be of sufficient clarity to show the building height proposed for that district.

D. **Variance:** Set aside the Screening requirements in an Industrial, Commercial, and Residential District.

1. **Site Plan:** The site plan shall be of sufficient clarity to show the location of the new proposed screening details and all existing structures (if any) on the site, distances from the lot lines (property lines) on all sides to each structure.

E. **Variance:** Set aside the Minimum requirements of Building Materials in Industrial and Commercial District.

1. **Site Plan:** The site plan shall of sufficient clarity to show the location of the new proposed construction and all existing structures (if any) on the site, distances from the lot lines (property lines) on all sides to each new proposed structure and existing.
2. **Building Elevations:** This plan shall be of sufficient clarity to show the building height of the new proposed construction and the type of building material proposed with details.
3. **Other Documentation:** Any other documentation of sufficient clarity that will show the type of building materials proposed.

F. **Variance:** Set aside the Parking requirements in an Industrial, Commercial and Residential District.

1. **Site Plan:** The site plan shall of sufficient clarity to show the location of the new proposed construction and all existing structures (if any) on the site, distances from the lot lines (property lines) on all sides to each new structure or existing. Also included, the parking layout of the new site with the required.

G. **Variance:** Set aside the sign requirements of Maximum square footage Area per sign or lot.

1. **Site Plan:** The site plan shall show in sufficient clarity the location of the new proposed construction and all existing structures (if any) on the site, distances from the lot lines (property lines) on all sides to each new structure or existing. Also include the location of the new sign with details, square footage and height.

Variances granted shall be void if the use has not commenced or if a building permit has not been obtained within one hundred eighty (180) days of such granting or within the time stipulated. See Fee Schedule Page 9.

Any additional information or clarification of items of this Development booklet can be obtained at the front counter at the Tolleson City Hall Complex or by calling the Tolleson Building Department at City Hall at 623-936-7111.

ZONING APPLICATION

(Submit separate application for each process)

Date: _____ Tracking # _____

I HEREBY REQUEST A:

___ VARIANCE (\$250.00)	+ \$200.00 x _____ (PER PAGE) = _____
___ USE PERMIT (\$300.00)	+ \$200.00 x _____ (PER PAGE) = _____
___ ZONING ORD AMENDMENTS (\$600.00)	+ \$300.00 x _____ (PER PAGE) = _____
___ ZONING CHANGES (\$1,500.00)	+ \$350.00 x _____ (PER PAGE) = _____
___ FINAL PLAT (COMMERCIAL/INDUSTRIAL) (\$1,500.00)	+ \$200.00 x _____ (PER PAGE) = _____
___ SITE PLAN (SF \$750.00) (RESID. OTHR \$1,200.00) (COM & IND \$2,000.00) \$350.00/PAGE \$450.00/PAGE \$600.00/PAGE	+ _____ (\$) x _____ (PER PAGE) = _____
___ ADDT. FEES KIND? _____ + _____ (\$) x _____ (PER PAGE) = _____	
___ ACTION ITEMS ONLY (NO CHARGE/COUNCIL APPROVAL)	(TOTAL FEE'S PAID) _____

NOTE: All filing fee(s) are Non-refundable/non-returnable and due upon application submission.

(Please Print Clearly)

Physical Address _____, Tolleson

The reason for this request is to obtain a(n) _____

Subject Property is Legally described as: (Parcel No.) _____

and its general location is (N) (S) (E) (W) SIDE OF _____ and (N) (S) (E) (W) SIDE OF _____; feet by _____ feet - totaling _____ square feet.

If applicable, indicate Zoning Classification Change: From _____ Zoning to _____ Zoning
(Please Print legible)

Email Address: _____ Fax # (____) _____

Applicant Name _____ Phone # (____) _____

Mailing Address _____
Street/P O Box _____ Suite # _____ City _____ State _____ Zip Code _____

Email Address: _____ Fax # (____) _____

Property Owner Name: _____ Phone # (____) _____

Mailing Address _____
Street/P O Box _____ Suite # _____ City _____ State _____ Zip Code _____

SB1598 Compliance Policy

See attached Procedural Guide for detailed process and timeframes. Check the box below to select the City's Flexible Policy.

CITY'S FLEXIBLE POLICY (Signed & Notarized Waiver Required at Time of Submittal)

Applicant's Signature

Owner's Signature

NOTE: THE PROPERTY OWNER MUST SIGN ABOVE OR SUBMIT A LETTER AUTHORIZING THE APPLICANT TO MAKE THE REQUEST.

VARIANCE FOUR CRITERIA

Dear Variance Applicant:

A variance is a request to allow a deviation from a development standard required by the Tolleson Zoning Code. The Arizona State Statutes and Tolleson Zoning Code require that four (4) criteria be met for a variance to be approved. The Zoning Administrator (or City Council acting as Board of Adjustment) must find that these four (4) criteria are met to approve your variance request. The four (4) criteria are:

1. There are special circumstances or conditions applying to the land or building on the property that do not apply to other similar properties in the same zoning district. These special circumstances can relate to the size, shape, topography, location or surroundings of the property.
2. The special circumstances or conditions described above were not created or self-imposed by the applicant or owner of the property.
3. The variance approval cannot constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the property is located.
4. The variance approval is necessary in order for the owner or applicant to enjoy the privileges of property rights enjoyed by the owners of other properties in the same zoning district.

IMPORTANT: ALL FOUR (4) OF THE ABOVE LISTED CONDITIONS MUST BE SATISFIED BY THE SUBJECT PROPERTY FOR A VARIANCE TO BE GRANTED.

IT IS THE BURDEN OF THE APPLICANT TO PROVE HIS or HER CASE.

In addition, 15 days prior to the scheduled hearing on your variance request, the City will send a letter via first class mail to all property owners of property within 150 feet of the property that is the subject of the request. If the applicant decides to do this you can get the property ownership information either from the City of Tolleson Zoning Administrator or the Maricopa County recorder's office. You must submit the attached affidavit to the City prior to your variance hearing confirming that the letter was sent to the property owners.

Sincerely,

Zoning Administrator

PERMIT APPLICATION

City of Tolleson Building & Code Enforcement
9055 W Van Buren – Tolleson AZ 85353
Ph (623) 936-7111 Fax (623) 936-7117



PERMIT/PLAN #: _____

DATE RECEIVED: _____

(Please Type or Print in Ink)

Part A – Identification

Project Name _____

Project Address _____

Suite # _____

Parcel # _____

Lot # _____

Owner Name _____

Street Address _____

City/State/ZIP _____

Phone Home/Work _____

Contractor Name _____

Street Address _____

City/State/ZIP _____

Phone Home/Work _____

AZ Contractors License No. _____ Class _____ AZ State Tax No. _____ Tolleson License No. _____

Contact Person (Print Legible) _____ Phone _____

Email Address _____ Fax _____

PLANS SUBMITTED BY: Architect Contractor Owner Tenant Other _____

Part B – Description of Project

**IMPORTANT: FOR ANY PROJECT OVER \$50,000.00, A COPY OF STATE OF AZ BONDING CERTIFICATE OR WAIVER
MUST BE PROVIDED WITH PERMIT APPLICATION OR APPLICATION WILL BE REJECTED.**

APPLICANT'S VALUATION \$ _____ CITY'S VALUATION \$ _____ TOTAL SQUARE FEET _____

PROJECT TYPE: Residential Commercial Industrial New Alteration/Remodeling Addition Demolition

DESCRIPTION OF WORK TO BE DONE: (Please print or type a detailed description)

THE FOLLOWING INFORMATION IS REQUIRED FOR COMMERCIAL, INDUSTRIAL AND MULTI-FAMILY PROJECTS ONLY:

PROPOSED CONSTRUCTION TYPE		EXISTING CONSTRUCTION TYPE	
WALLS:	<input type="checkbox"/> Combustible <input type="checkbox"/> Noncombustible	WALLS:	<input type="checkbox"/> Combustible <input type="checkbox"/> Noncombustible
ROOF STRUCTURE:	<input type="checkbox"/> Combustible <input type="checkbox"/> Noncombustible	ROOF STRUCTURE:	<input type="checkbox"/> Combustible <input type="checkbox"/> Noncombustible

IF THIS IS AN EXISTING BUILDING, DOES IT HAVE A FIRE SPRINKLER SYSTEM? _____ FIRE ALARM SYSTEM? _____

OCCUPANCY LOAD: _____ IBC OCCUPANCY TYPE: _____ IBC CONSTRUCTION TYPE: _____ ZONING CODE: _____

WATER METER SIZE DOMESTIC: _____ WATER METER SIZE LANDSCAPE: _____ SEWER LINE SIZE: _____

Under penalty of intentional misrepresentation and / or perjury, I declare that I have examined and / or made this application and it is true and correct to the best of my knowledge and belief. I agree to construct said improvement in compliance with all provisions of the Ordinance of the City of Tolleson. I realize that the information that I have stated hereon forms a basis for the issuance of the Building Permit herein applied for and approval of any plans in connection therewith shall not be construed to permit any construction upon said premises or use thereof in violation of any provision of the Tolleson City Code or any other ordinance, or to excuse the owner or his successors from complying therewith. I understand that the filing of an application containing false or incorrect information with the intent to avoid the licensing requirement of ARS Title 32, is falsification pursuant to ARS Section 13-2704 and is a Class 2 misdemeanor.

SB1598 Compliance Policy

See attached Procedural Guide for detailed process and timeframes. Check the box below to select the City's Flexible Policy.

CITY'S FLEXIBLE POLICY (Signed & Notarized Waiver Required at Time of Submittal)

APPLICANT SIGNATURE: _____ DATE: _____ OFFICE PHONE #: _____

ADDRESS: _____ CITY: _____ STATE: _____ ZIP: _____

FOR OFFICIAL USE ONLY – PERMIT APPLICATION STATUS

<input type="checkbox"/> PERMIT APPLICATION APPROVED	BY: _____	DATE: _____
<input type="checkbox"/> PERMIT APPLICATION DENIED	BY: _____	DATE: _____

Part C – Licensing and Exemptions

I am currently a licensed contractor. Name: _____

License No. ROC: _____ License Class: _____

Signature: _____ Title: _____

Email Address (Print Legible): _____

EXEMPTION FROM LICENSING

I am exempt from Arizona contractors' license laws on the basis of the license exemptions contained in A.R.S. § 32-1121A namely:

A.R.S. §32-1121A.5-1: I am the owner/builder of the property and the property will not be sold or rented for at least one year after completion of this project.

A.R.S. §32-1121A.6-1: I am the owner/developer of the property and this property and I will contract with a licensed general contractor to provide all construction services. All contractors' names and license numbers will be included in all sales documents

Other (please specify): _____

I understand that the exemption provided by A.R.S. § 32-1121A.14 (the Handyman Exemption) does not apply to any construction projects which require a building permit and/or the total cost of materials and labor are \$750.00 or more.

I will be using the following licensed contractors on this project:

(ALL SUBS MUST HAVE A VALID CITY OF TOLLESON BUSINESS LICENSE)

GENERAL Contractor

Provide Email Address (print legible): _____

License No. ROC: _____ Class: _____ Tolleson License No. _____

MECHANICAL Contractor

Provide Email Address (print legible): _____

License No. ROC: _____ Class: _____ Tolleson License No. _____

ELECTRICAL Contractor

Provide Email Address (print legible): _____

License No. ROC: _____ Class: _____ Tolleson License No. _____

PLUMBING Contractor

Provide Email Address (print legible): _____

License No. ROC: _____ Class: _____ Tolleson License No. _____

SIGNATURE

DATE

Falsification of information on this document for the purpose of evading State licensing laws is a Class II misdemeanor pursuant to A.R.S. § 13-2704.



Senate Bill 1598

Questions, Answers and Choices

What is Senate Bill (SB) 1598?

The Arizona Legislature, in 2011, codified Arizona Revised Statutes Section 9-831 et seq. that applies to all Arizona municipalities and counties. The purpose of this bill was to establish review time frames and certain other procedures related to the issuance of licenses as a "Bill of Rights" for the public. This applies to the various City application review procedures that produce outcomes that qualify as "licenses", defined in A.R.S. § 9-831(2) as "the whole or part of any municipal permit, certification, approval, registration, charter or similar permission required by law."

How does SB1598 affect my project?

Effective January 1, 2013, upon application submittal, the City will review the application for a license as outlined in the City's *Senate Bill 1598 Compliance Review Policy and Waiver*. This document, adopted by the City Council on December 11, 2012 establishes review time frames for all items requiring licensure.



How long will it take my project to receive approval?

An overall time frame has been established for variety of applications. Each application will be initially reviewed for Administrative Completeness, and if deemed complete, will proceed to a Substantive Review. The adopted time frames can be found in the SB 1598 Compliance Review Policy and Waiver which is posted on the City of Tolleson website at www.tollesonaz.org.

Can I choose to waive my rights under SB1598?

You can waive your rights under SB1598 by completing and signing a Waiver of Claim form. In doing so, the City has established time frames for license issuance which provide greater flexibility for you both in the type of items submitted, and the opportunity for communication with the Building and/or Engineering Staff.

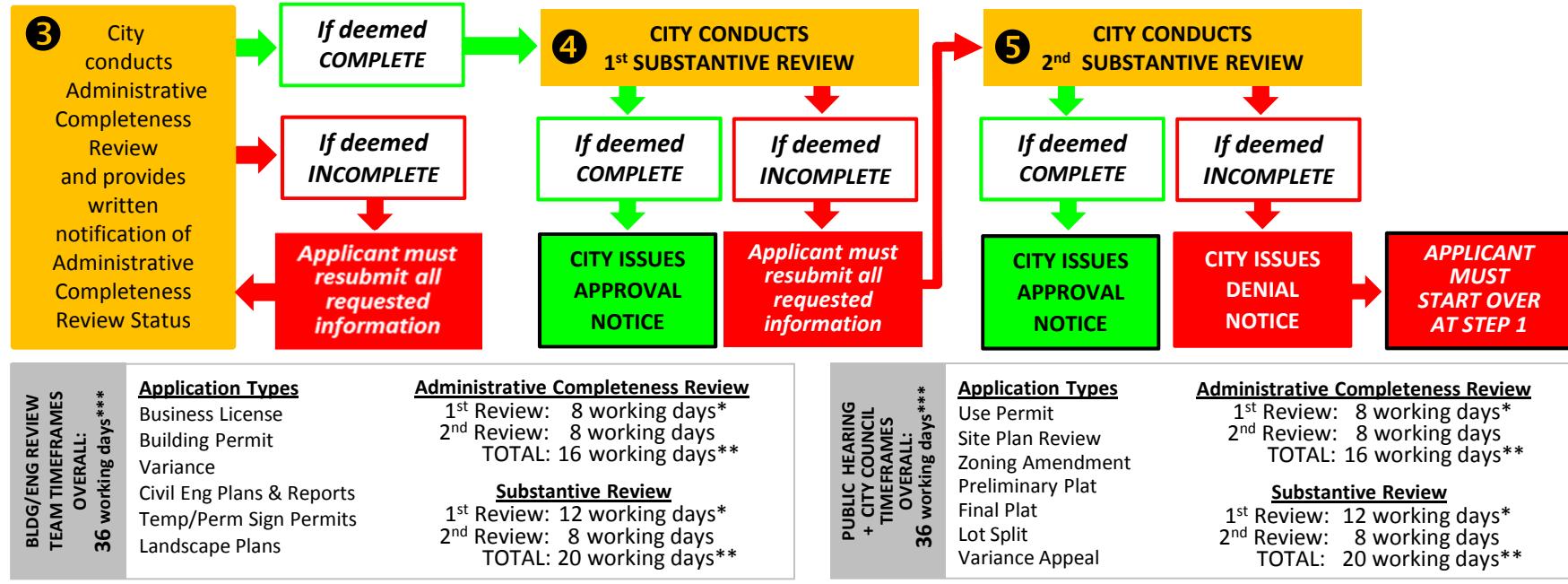
City Contacts: DevelopmentServices@tolleson.az.gov



Procedural Guide: SB1598 Compliance Policy

1 Submit Documents to City and Pay Applicable Fees  2 Select one of the following review options:

OPTION #1: Process for Review - SB1598 Compliance Policy



*Timeframe suspended from notice of return of requested documentation
Applicant has the right to receive a clarification from the City of its interpretation or application of a statute, ordinance, code or authorized substantive policy statement as provided in ARS § 9-839.

**Approval or denial notice

***Overall timeframe suspended for public hearings under ARS § 9-835(C)(8)(c)

OPTION #2: Process for Review - City's Flexible Policy

2 This option must be selected at time of submittal  3 Waiver must be signed by Applicant or Authorized Agent at the time of submittal & notarized prior to the City's processing documents for review

4 CITY CONDUCTS UP TO FIVE (5) PLAN REVIEWS AND CONTINUALLY COMMUNICATES WITH APPLICANTS THROUGHOUT PROCESS

5 CITY ISSUES APPROVAL NOTICE



City of Tolleson Senate Bill 1598 Compliance Review Policy

PURPOSE

The Arizona Legislature, in 2011, codified Arizona Revised Statutes Section 9-831 *et seq.* that applies to all Arizona municipalities. The purpose of this Policy is to bring City of Tolleson development review and application processing procedures into compliance with applicable State law.

APPLICABILITY

- A. This Policy applies to the various City of Tolleson application review outcomes that qualify as “licenses,” defined in A.R.S. § 9-831(2) as “the whole or part of any municipal permit, certification, approval, registration, charter or similar permission required by law.”
- B. As required by A.R.S. § 9-831 *et seq.* this Policy supersedes over any timeline as outlined in our Building and/or Engineering standard development requirements, procedures, or guidelines, and/or our Zoning Ordinance in the event of a conflict.
- C. As required by A.R.S. § 9-833 inspections required for any regulated persons will be conducted only after proper identification, notifications, and documentation has been presented.

The procedures outlined below involve a variety of license application types. Some requirements are the same for all applications, and some application procedures have unique requirements. In addition, most procedures have detailed user guides prepared and provided by the Building and Engineering Departments. The procedures should be read carefully to ensure a complete application is prepared.

EXEMPTIONS – SHORT TERM EXEMPT LICENSES

A development review application or permit that is issued within 7 working days after receipt of application and that expires within 21 working days after issuance is exempt from the provisions of this Policy.¹

REVIEW OPTIONS

Two choices are available;

- Compliance policy (A.R.S. § 9-831 *et seq.*)
- Flexible policy (Tolleson’s alternative to A.R.S. § 9-831 *et seq.*)

¹ The statutory provision providing this exemption, A.R.S. Section 9-835(H), is unclear, so this interpretation is intended to apply this exemption in the most narrow way that can be derived from the wording of the Section.

The City has consistently supported and practiced expeditious review of all applications, and will continue to do so under the time frames set forth in this Policy. The Building and Engineering Departments will continue to engage in process improvement to review various applications in the most expeditious way possible and will continue to work with customers to review their applications in a manner that provides the following:

- Flexibility when needed;
- Assures the public health and safety; and,
- Allows a customer complying with the City's development regulations to achieve their permitting and development goals in a timely manner.

To further this goal and to provide applicants with additional flexibility and choice, the applicant will have the option of waiving the requirements of A.R.S. § 9-831 *et seq.* This option must be chosen and the waiver signed by the applicant or authorized agent at the time of submittal. Choosing this option affords the applicant and the City more opportunity to work through and resolve issues that may arise during the review process.

APPLICATION FORM CONTENTS

City of Tolleson development review applications shall include the following information as required by A.R.S. § 9-836:

- A list of all required steps in the application/approval process;
- Applicable time frames;
- Contact person (name and telephone number) who can answer questions or provide assistance throughout the application process;
- Website address; and,
- Notice for opportunity to clarify ordinances/regulations, or "authorized substantive policy statements" as defined by A.R.S. Section 9-831.

REVIEW TIME FRAME REQUIREMENTS

- A.R.S. § 9-835 requires the City to have in place an overall timeframe during which the City will either grant or deny license applications. A.R.S. § 9-835(C) provides for flexibility in structuring the license process for certain types of "licensing." The time frame requirements for application review under the statutory policy are listed in Tables 1 and 2 provided below.
- Existing applicable license application review provisions shall comply with the Policy by December 31, 2012.
- Any new applicable license application process shall comply with the law and this Policy.

NOTICE OF COMPLETENESS

The City shall review applications for administrative completeness. The City shall send notice to the applicant of the application's status within the applicable administrative completeness review timeframe. The notice shall cite a list of all deficiencies, if any, and inform the applicant that the City's administrative completeness and overall timeframes are suspended pending receipt of requested corrections or any missing information.

The Building and Engineering Departments will accept all applications upon submittal and evaluate each application for administrative completeness. An application shall contain an application form, the relevant checklist, any information specifically required by the City code, zoning ordinance, building code, city standard engineering notes and standard specifications, or such additional information specified by the Building Official or City Engineer as may be required by city code, rule, or compliance review policy, and applicable fee. An application must be made by the property owner or authorized agent.

An applicant will be notified in electronic or writing format if the application is incomplete and will be provided with a list of the specific deficiencies. Upon resubmission of the required materials the City will notify the applicant whether the application is complete or remains incomplete.

When an application is determined to be complete, and the notice of administrative completeness has been issued, the substantive review timeframe begins and the application will be scheduled for review by the City's Review Team or scheduled for a public hearing as required by the applicable code provision or ordinance.

TIME FRAME SUSPENSIONS

Overall time frames listed in Compliance Review Policy Tables 1 and 2 below may be suspended for the following time periods:

- A. From the date of issuance of the notice to the applicant of specific deficiencies in an application, whether on review for administrative completeness or substantive review, to the date that the City receives the missing information from the applicant.
- B. Time for completion of certain purposes, such as; public hearings, state, or federal licenses.
- C. During agreed upon supplemental information requests from the City during a substantive review timeframe.

TIME FRAME EXTENSION PROCESS

- A. During substantive reviews of license applications, the statute provides that the City shall request no more than one comprehensive request for additional materials and corrections. Said request will provide notice of possible denial of the application and any basis for that denial, in the event the request is not fully complied with.
- B. If a re-submittal after the one comprehensive request is still not in compliance, based upon the applicable statutes, City code, ordinances, regulations, or substantive policy statements, the application shall be denied. The City shall give notice of denial by

electronic or written format. The notice shall include citations of the pertinent provisions justifying an application denial and shall explain the applicant's rights to appeal, including the number of working days in which the applicant must file a protest challenging the denial and the name and telephone number of a municipal contact person who can answer questions regarding the appeal's process.

- C. Upon receiving an application denial, the applicant may submit a new application to the City.
- D. Under A.R.S. § 9-835(H), by mutual electronic or written agreement, the City and applicant may extend the substantive review time frame and the overall time frame. The extensions shall not exceed 25% of the overall time frame. Should agreement not be reached then the City may deny pursuant to A.R.S. §§ 9-834 and 9-835(I).
- E. Upon first review, if the review authority (Zoning Administrator, Building Official, City Engineer, Commission, Board, or City Council) determines additional information is required to adequately evaluate an application, any such additional information shall be submitted by the applicant not later than six (6) months from notification to the applicant. Failure to provide additional information in the time specified will result in the application being denied as incomplete under the applicable city provisions. No fees shall be refunded for an application that is denied.

REFUNDS

Pursuant to A.R.S. Section 9-835(J), if the City does not send notice to an applicant regarding approval or denial within the overall time frame or any mutually agreed extension thereof, the City shall refund the application fees within 30 days of the expiration of the overall time frame or any mutually agreed extension thereof and waive any additional fees for the application.

WORKING DAYS

Working days as stated in this document refer to City of Tolleson working days excluding all observed holidays.

(TABLE - 1) REVIEW TIMEFRAME REQUIREMENTS

COMPLIANCE REVIEW TIMEFRAMES				
BUILDING AND ENGINEERING REVIEW TEAM APPROVAL PROCESS				
APPLICATION TYPE	MAXIMUM TIMEFRAMES**			
	Administrative Completeness Review	Substantive Review	OVERALL	
Business License	1 st Review: 8 working days	1 st Review: 12 working days	[*] Approval or denial notice. **Timeframe suspended from notice to return of requested documentation. ***Overall timeframe is suspended for public hearings under A.R.S. § 9-835(C)(8)(c).	
Building Permit	2 nd Review: 8 working days	2 nd Review: 8 working days		
Variance				
Civil Engineering; Plans and Reports				
Temporary and Permanent Sign Permits	TOTAL: 16* working days	TOTAL: 20* working days		
Landscape Plans				

(TABLE – 2) REVIEW TIMEFRAME REQUIREMENTS

PUBLIC HEARINGS & CITY COUNCIL APPROVAL PROCESS				
APPLICATION TYPE	MAXIMUM TIMEFRAMES**			
	Administrative Completeness Review	Substantive Review	OVERALL	
Use Permit			[*] Approval or denial notice. **Timeframe suspended from notice to return of requested documentation. ***Overall timeframe is suspended for public hearings under A.R.S. § 9-835(C)(8)(c).	
Site Plan Review				
Zoning Amendment				
Preliminary Plat	1 st Review: 8 working days	1 st Review: 12 working days		
Final Plat	2 nd Review: 8 working days	2 nd Review: 8 working days		
Lot Split				
Variance Appeal	TOTAL: 16* working days	TOTAL: 20* working days		

^{*}Approval or denial notice
**Timeframe suspended from notice to return of requested documentation
***Overall timeframe is suspended for public hearings under A.R.S. § 9-835(C)(8)(c).



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WAIVER OF CLAIM
TO
A.R.S. §9-831 ET. SEQ.

This agreement ("Agreement") is entered into between _____, as the applicant ("Applicant") seeking a license, permit, approval registration or approval ("License") related to the use development of _____ ("Property") Case No_____ as required by the City of Tolleson ("City"). Applicant hereby agrees to waive any and all claims as established by A.R.S. §9-831 et seq., in exchange for which the City agrees to process licensing under its flexible Application Process ("Process").

The Applicant or authorized agent, has submitted an application to the City requesting that the City approve or permit a development plan, plat, contemplated use, development or action described in Exhibit A. Applicant is aware that under the Process, he/she may be afforded multiple opportunities to alter or amend application and to confer with city staff for advice without constraint of limited reviews or timeframe for approval imposed by the City pursuant to requirements of A.R.S. §9-831 et seq. The City's procedures under the regulatory-limits process imposed by A.R.S. §9-831 et seq. are compared to the City's alternative application process in Exhibit B. Applicant acknowledges prior receipt and review of Exhibit B. Applicant desires to be afforded an opportunity to adjust plans based on its own changing development circumstances over time or based upon suggestions by staff. Applicant believes and acknowledges that these benefits outweigh any rights or remedies that may be obtained under A.R.S. §9-831 et seq.

By signing this Agreement, Applicant waives any right or claim that may arise under A.R.S. §9-831 et seq., including any claim that an application must be deemed complete or that fees must be returned by the City pursuant to the requirements of A.R.S. §9-831 et seq.

This Agreement is entered into in Arizona and will be interpreted under the laws of the State of Arizona. The Applicant has agreed to the form of this Agreement provided and approved by the City Attorney. The Applicant has had the opportunity to consult with an attorney of the Applicants choice prior to entering this Agreement and enters it fully understanding that the Applicant is waiving the rights and remedies provided under as set forth herein.

The Applicant warrants and represents that the person or persons listed herein as the Applicant is/are the owner in fee title of any Property identified in Exhibit A. The Applicant further agrees to indemnify and hold the City, its officers, employees and agents harmless from any and all claims, causes of action, demands, losses, costs and expenses based upon any failure to comply with A.R.S. §9-831 et seq.

Dated this _____ day of _____, 20____

Applicant _____
(Name of individual, Corporation, Partnership,
or LLC, as applicable)

By: _____
(Signature of Applicant or Authorized Representative,
if applicable)

Its: _____
(Title of Individual Signing in Representative Capacity)

Applicant _____
(Name of individual, Corporation, Partnership,
or LLC, as applicable)

By: _____
(Signature of Applicant or Authorized Representative,
if applicable)

Its: _____
(Title of Individual Signing in Representative Capacity)

State of Arizona

County of _____

On this _____ day of _____, 20____, before me personally
appeared _____ on the basis of satisfactory evidence to be the
person who he/she claims to be, and acknowledged that he/she signed the
above/attached document.

Notary Public

My commission expires:

City of Tolleson, an Arizona Municipal Corporation:

By: _____
Building & Engineering Department

This form has been approved by the City Attorney.

EXHIBIT A
CASE NO. _____

Address or Description of Property:

License sought: (Insert brief description of approval, permit or authority sought. Alternatively a proposed plat, development plan or other documentation describing the approval sought may be attached and identified as EXHIBIT A)

EXHIBIT B
CASE NO. _____

A.R.S. §9-831 REQUIREMENTS AND
CITY OF TOLLESON BUILDING AND ENGINEERING
FLEXIBLE OPTION PROPOSAL

A.R.S. §9-831 requires municipalities to establish and adhere to time frames in a broad range of permitting processes. Under the law cities must create an overall permitting time frame for each process consisting of an “administrative completeness” time frame and a “substantive review” time frame. The aim of this statute was to create faster, more uniform, and more transparent processes, goals which the City of Tolleson Building & Engineering Departments share. However, the implementation of these time frames may have unforeseen consequences.

A.R.S. §9-831 states the city must determine whether a permit application is complete or not during the administrative completeness time frame. If the city fails to make this determination within established time limits, the permit is deemed complete regardless of deficiencies. Similarly during the substantive review period an application must be denied or approved within the established time frame or the permit fee will be refunded.

A.R.S. §9-831 offers applicants very limited opportunities to supplement their application with additional material after submission. Moreover, changes to a permit application are limited to responses to a Building & Engineering (B&E) request. Development changes proposed by the applicant do not appear to be allowed. Upon proper denial, during either review period, applicants must reapply with new plans and pay another permit/submittal fee.

B&E is committed to customer service and recognizes that applicants may not wish to be locked into formulaic standards which do not provide an adequate opportunity to submit additional requested materials and desired plan changes. Thus, B&E offers applicants the opportunity to make permit applications according to either A.R.S. §9-831 process or the more flexible process City of Tolleson B&E customers are familiar with.

Under a *flexible application* process, applicants have multiple opportunities to alter or amend their application and to confer with city staff for advice. This allows the applicant to adjust plans based on their own changing development circumstances over time or on suggestions by staff. Additionally, applicants may alter their permit applications as necessary during the process.

Applicants are encouraged to carefully consider which application process best meets their needs. Staff can explain the process in more detail upon request as well as provide you a copy of A.R.S. §9-831 et seq. The following points outline some of the highlights of each process.

“A.R.S. §9-831 et seq.”

- A limited number of opportunities to confer with staff and supply necessary information and materials. The City may request additional information only once after the application is deemed administratively complete.
- If the City fails to meet established timeline for review, an application may be deemed complete although lacking essential materials. If an application is not timely approved or denied fees are refunded to the applicant.
- During review period applicant loses the opportunity to propose alterations to support permit approval or changes in circumstances during development.
- If permit is properly denied after City’s one-time request for more information, applicant must reapply and pay new fee.
- Denials must be explained and the applicable code provisions identified.
- Applicant may request code clarification.

“Flexible Application Process”

- Multiple application conferences available before submittal and during process.
- During review period applicant may propose changes to support permit approval and substantial and multiple changes may be made without reapplication.
- No refund for a review period longer than the established timeline. However, City meets or exceeds established permit review period in >98% of applications. Complex applications or substantial changes may take longer.
- Denials will be explained and the applicable code provisions identified.
- Applicant may request code clarification.
- Review timeframes listed below in Tables 1 and 2.

(TABLE - 1) FLEXIBLE REVIEW TIMEFRAME REQUIREMENTS

FLEXIBLE APPLICATION APPROVAL PROCESS*			
APPLICATION TYPE	MAXIMUM TIMEFRAMES		
	First Review	Second and Subsequent Reviews	OVERALL
Business License	12 working days	8 working days	44 working days**
Building Permit			
Variance			
Civil Engineering; Plans and Reports			
Temporary and Permanent Sign Permits			
Landscape Plans			

*Must sign waiver to qualify
**Maximum 5 (five) total reviews

(TABLE – 2) FLEXIBLE REVIEW TIMEFRAME REQUIREMENTS

PUBLIC HEARINGS & CITY COUNCIL APPROVAL PROCESS*			
APPLICATION TYPE	MAXIMUM TIMEFRAMES³		
	First Review	Second and Subsequent reviews	OVERALL
Use Permit	12 working days	8 working days	44 working days**
Site Plan Review			
Preliminary Plat			
Final Plat			
Lot Split			
Variance Appeal			

*Must sign waiver to qualify
**Maximum 5 (five) total reviews

² Timeframes are estimates based upon existing and historical applications. Under this City process, the actual timeframes may vary.

³ Timeframes are estimates based upon existing and historical applications. Under this City process, the actual timeframes may vary.



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PROCEDURE FOR WAIVER OF DIMINUTION OF VALUE CLAIM

Purpose and Objective

New A.R.S. Sec. 12-1134 requires the payment of compensation to the owners or properties that have been reduced in value by the adoption of new land use regulations. This creates a liability risk for the City each time that there is a “land use” action such as rezoning, conditional use permit, preliminary development or planned area development requests, or even conditions or stipulations attached to the approval of such an application *even where the applicant accepts or represents that he/she accepts the conditions or stipulations.*

In an effort to minimize the City’s liability for “diminution of value” claims, the Building Department needs to secure a written consent and waiver from the OWNER of the property that is the subject of the application at a point that is AFTER a recommendation issued by the Planning and Zoning Commission and BEFORE the matter goes to the City Council. If the City Council modifies or adds conditions or stipulations the applicant will be asked to verbally acknowledge their consent and willingness to waive claims related thereto in writing once presented with the conditions and stipulations in written form. The consent and waiver form is attached hereto.

Notifications of “Consent and Waiver” Requirement

Written notice of the consent and waiver requirement will be provided at or in connection with the filing or submittal of any new application.

Waiver from Property Owner

In order to have a properly executed consent and waiver form the OWNER of the real property must sign the form and the signature must be properly notarized. The signature of an applicant who is not the owner at the time final action is taken by the City Council is not sufficient. If multiple parties own the property, all of the parties with an ownership interest must provide signed and notarized consent and waiver forms.

Waiver must be Timely

All consent and waiver forms in connection with any particular matter must be in proper order and must have been received by the City **BEFORE** the matter is heard by the City Council. This will not bind the Owner(s) to any conditions or stipulations modified or added by the City Council; and therefore, they will be asked to sign the Consent and Waiver form a second time (if changed by City Council) after the conditions and stipulations are presented in writing.

Waiver to be Permanent Record

All consent and waiver forms received in connection with any particular matter shall be maintained with the permanent record of approval. Building Department staff will arrange with the City Clerk for all original forms to be made part of the permanent record of the action taken on the matter. Consent and waiver forms will also be recorded with the Maricopa County Recorder.

Failure to Provide Waiver Form

An application will not be delayed because of the failure to receive the necessary consent and waiver forms, unless the applicant requests the delay. Instead, the application may be forwarded with a recommendation for denial when considering all the circumstances. Where City Staff is already recommending denial, notwithstanding a positive recommendation from the Planning and Zoning Commission, the failure of the applicant to provide a consent and waiver form(s) from the landowner(s) can be a secondary basis for recommending denial of the application. A letter will be sent to the property owner documenting that they have declined to file a Proposition 207 waiver form and the application will be moved forward, taking into consideration said failure to execute the waiver.

Additional Information

For additional information, please contact a Marge Sydlowski, Building Permit Tech at (623) 936-7111.

**WAIVER OF CLAIMS FOR DIMINUTION OF VALUE
UNDER ARIZ. REV. STAT. §§ 12-1134 to 1136**

This Waiver of Claims for Diminution of Value under ARIZ. REV. STAT. §§ 12-1134 - 1136 (this "Waiver") is made between _____ (the "Owner") and City of Tolleson, Arizona (the "City") regarding the property (the "Property"), as described by the attached legal description set forth in Exhibit A attached hereto and incorporated as if fully set forth herein.

RECITALS

A. Owner is the current owner of all right, title and interest in the Property, and became the owner of all right, title and interest in the Property as described in Exhibit A attached hereto, on _____.

B. The Owner has applied for a [(1) annexation, (2) rezoning], _____ (the "Application") which effects the existing right to use, divide, sell, or possess the Property. The Application was submitted to the City on _____.

C. The Owner(s) has obtained advice from legal counsel or has declined to obtain advice from legal counsel on this Waiver and the Owner voluntarily agrees to and submits this Waiver in accordance with ARIZ. REV. STAT. § 12-1134(I), as amended.

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing recitals, which are incorporated herein by reference, the mutual promises and agreements set forth herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto state, confirm and agree as follows:

1. Owner agrees and consents to all the conditions and stipulations imposed by the City on the approval of the Application (the "Approval") and by signing this Waiver waives any and all claims, suits, damages, compensation and causes of action for diminution of value to the Property the Owner of the Property may have now or in the future under the provisions of ARIZ. REV. STAT. §§ 12-1134 through and including 12-1136, as amended, resulting from the Approval and any other "land use law", as such term is defined in ARIZ. REV. STAT. § 12-1136, as amended, that (a) is enacted, adopted or applied by the City now or hereafter relating to or consistent with the Approval and (b) that directly governs the Property.

2. Owner acknowledges and agrees that the Approval causes an increase in the fair market value of the Property.

3. The Owner warrants and represents that Owner is the owner of all right, title and interest to the Property, and that no other person has an ownership interest in the Property. Prior to Owner's transfer, sale, or conveyance of all or any part of its right, title and interest in the Property at any time within thirty (30) days of the Approval, Owner shall notify the City of said transfer, sale or conveyance, and shall require the new Owner to execute and agree to this Waiver as part of any transfer, sale or conveyance of the Property. The person who signs on behalf of Owner personally warrants and guarantees to the City [he/she/they] have the legal power to bind Owner to this Waiver.

4. Owner agrees and understands that the conditions and stipulations imposed upon the Approval may be modified, amended or supplemented by the City Council. If the conditions or stipulations upon this

Approval are modified, amended, or supplemented by the City Council, Owner agrees and understands that it will be a condition of the Approval that Owner executes the Acknowledgement and Agreement to Modification, Amendment or Supplement to Conditions or Stipulations of Approval, attached hereto as Exhibit B and incorporated herein by reference (the “Acknowledgment”) and, when executed, such Acknowledgement shall amend and become a part of this Waiver.

5. This Waiver, any exhibits attached hereto, and any addenda, constitute the entire understanding and agreement of the Owner and the City and shall supersede all prior agreements or understandings between the Owner and City regarding the Property. This Waiver may not be modified or amended except by written agreement by the Owner and City.

6. This Waiver is entered into in Arizona and will be construed and interpreted under the laws of the State of Arizona. This Waiver is subject to the cancellation provisions of ARIZ. REV. STAT. § 38-511, as amended.

IN WITNESS WHEREOF, the parties hereto have executed this instrument as of _____, 20__.

“City”

City of Tolleson, an
Arizona municipal corporation

By: Juan F. Rodriguez, Mayor

ATTEST:

Crystal Zamora, City Clerk

APPROVED AS TO FORM:

Justin Pierce, City Attorney

“Owner”

By: _____

(ACKNOWLEDGEMENT)

STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

This instrument was acknowledged before me on _____, 20____, by _____, the
_____, an _____, on behalf of _____.

Notary Public in and for the State of Arizona

Commission and Seal:

EXHIBIT A

TO
WAIVER OF CLAIMS FOR DIMINUTION OF VALUE
BETWEEN
THE CITY OF TOLLESON
AND

[Legal Description]

See following page(s).

EXHIBIT B

TO
WAIVER OF CLAIMS FOR DIMINUTION OF VALUE
BETWEEN
THE CITY OF TOLLESON
AND

[Acknowledgment of Modification, Amendment or Supplement]

See following page.

**ACKNOWLEDGEMENT AND AGREEMENT TO
MODIFICATION, AMENDMENT OR SUPPLEMENT
TO CONDITIONS OR STIPULATIONS OF APPROVAL**

The City and Owner entered into that certain Waiver of Claims for Diminution of Value, dated _____, 20___ (the "Waiver"). Pursuant to Section 4 of the Waiver, Owner hereby acknowledges and agrees to all the modified, amended or supplemental conditions or stipulations imposed by the City on the Approval and by signing this Acknowledgement reaffirms and restates all of the terms and conditions of the Waiver and further acknowledges and agrees that the Approval, as conditioned and stipulated, causes an increase in the fair market value of the Property.

All capitalized terms used herein and not otherwise defined shall have the meanings ascribed to them in the Waiver. Except as specifically modified by this Acknowledgement, all other terms of the Waiver shall remain in full force and effect.

"Owner"

By: _____

(ACKNOWLEDGEMENT)

STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

This instrument was acknowledged before me on _____, 20___, by _____, the _____ of _____, an _____, on behalf of _____.

Commission and Seal:

Notary Public in and for the State of Arizona