

Zoning Process Guide

"Planning with People for a Better Phoenix"



City of Phoenix
PLANNING DEPARTMENT

Planning Hearing Officer Public Hearing Process

The Planning Hearing Officer (PHO) hears requests to delete or modify stipulations from approvals of rezoning requests and time extensions for conditionally zoned properties. The PHO hears requests to revert zoning if initiated by the Planning Commission and certain modifications to comprehensive sign plans. Requests for off-site constructed dwelling units are also heard by the PHO. Hearings are held every third Wednesday of the month at 10:00 a.m. and are typically held in City Hall. Appeals from the PHO go to the Planning Commission with further appeals to the City Council pursuant to Section 506.

SECTION 1: APPLICATION TYPES AND FEES		
Type of Application		Fee
<input type="checkbox"/>	Request to modify stipulations imposed as conditions of a zoning change	\$1,080 (1-2 stipulations) \$1725 (3 + stipulations)
<input type="checkbox"/>	Time extensions for conditionally-zoned properties	\$1,080
<input type="checkbox"/>	Applications initiated by the Planning Commission to revert zoning	\$1,080
<input type="checkbox"/>	Certain modifications to Comprehensive Sign Plan (wall signs over 56')	\$1,080
<input type="checkbox"/>	Continuance fee at applicant's request	\$830
<input type="checkbox"/>	Appeal filed by the applicant	\$630

Planning Hearing Officer Process: Upon submission of the application, staff will review all information provided. After the application is deemed complete staff will contact the applicant and provide with a Village Planning Committee (VPC) meeting date, if applicable. There shall be a minimum of 14 calendar days between the date of the application and VPC meeting. There shall be a minimum of 4 weeks between the application submittal date and the hearing date. If the VPC elects not to hear the request, a minimum of 4 weeks time is still required to advertise and post the request. A public hearing will be held before the PHO approximately 4 to 6 weeks after an application is filed.

Applicant Notification Requirements: The applicant shall send a letter (sample attached) explaining the request within ten (10) business days of filing the application. There are no general notification requirements for sign plan modifications unless specifically required by a zoning stipulation. The letter shall contain the nature of the request, the location of the site, the application number, date, time and location of the Planning Hearing Officer public hearing. Enclose with the letter the applicant's written request, proposed site plan/elevations, and a parcel map identifying the location of the request and any other information necessary to explain the request to the general public.

The applicant shall notify, via first class letter (see section 6), all those who:

- Are property owners within 300-feet of the subject site
- Are registered neighborhood associations with the City of Phoenix Neighborhood Notification Office within 600-feet of the subject site
- Completed a card at a previous PHO hearing or an original rezoning hearing;
- Submitted letters of opposition or concern at a previous hearing or an original rezoning hearing;
- Are listed in a stipulation for notification of subsequent meeting or hearings

The applicant shall provide a copy of the letter and attachments, a list of those notified, and an affidavit verifying the public hearing notice was completed, to the Planning Department seven (7) business days prior to the Planning Hearing Officer Hearing (Sample letter and affidavit are attached).

City of Phoenix Public Notification: Pursuant to Section 506 public notice of the hearing by the City is required fifteen (15) days prior to the date set for said hearing. The following forms of notification are provided:

- A newspaper advertisement stating the request, date, time and location for the public hearing in a newspaper of general circulation in the City of Phoenix.
- Post the request on the subject property indicating date, time and location of the hearing.
- Post a copy of the application on the internet at <http://phoenix.gov/PLANNING/index.html>
- Mail a notice to the owner, applicant, and representative of the date, time and location of the public hearing.

Planning Hearing Officer Action: At the hearing, the applicant/representative will present the case and evidence supporting the application. Following the applicant's presentation, the PHO will allow persons in interest to speak. The applicant will then be allowed time for rebuttal. Upon review of the record and consideration of relevant comments, the PHO will make a final recommendation to the City Council. If the PHO is not appealed, the request will be scheduled for City Council ratification within 3 to 4 week following the hearing.

PHO Decision and Appeal Period: Any member of the public may, within (7) calendar days of the Planning Hearing Officer's action, appeal the decision to the Planning Commission at the following location:

Planning Department – 6th Floor – Zoning Counter
200 West Washington Street
Phoenix, Arizona 85003

The appeal will be heard by Planning Commission. A decision of the Planning Commission may be appealed to the City Council in the same manner described above. The public hearing venue for appealed decisions will be advertised and posted on the subject property fifteen (15) calendar days prior to the hearing.

Upon request this publication will be made available in alternate formats including large print, Braille, audiotape or computer disk to accommodate a person with a disability if given reasonable advance notice. Please contact Julia Quinones at voice 602-262-6888 or via the City TTY Relay at 602-534-5500.

SECTION 2: INFORMATION REQUIRED

<input type="checkbox"/>	Application fee	See section 1 for required fee
<input type="checkbox"/>	Written request	See below
<input type="checkbox"/>	Ownership verification form	Section 3 Please ensure this form is complete and signed
<input type="checkbox"/>	Completed information form	Section 4 The zoning counter staff will assist if necessary
<input type="checkbox"/>	Completed property information form	Section 5
<input type="checkbox"/>	Four (4) copies of proposed site plan	2 scaled drawing (minimum 17" x 22") 2 reductions (8 ½ " x 11")
<input type="checkbox"/>	Four (4) copies of the proposed project elevations	2 scaled drawing (minimum 17" x 22") 2 reductions (8 ½ " x 11")
<input type="checkbox"/>	Parcel map	Delineate the project area. Please note if the project area is only a portion of larger rezoning application and show this on the parcel map.
<input type="checkbox"/>	Legal Description	Available from 4 th floor, Property Records Department
<input type="checkbox"/>	Property Owner Notification Requirements	See section 6. Must provide a complete list of required persons/neighborhood associations at the time of filing the request
<input type="checkbox"/>	Copy of previous public hearing minutes (ZHO, PC, or CC)	Available from the 6 th Floor, Zoning Counter
<input type="checkbox"/>	Proposition 207 Waiver	Please ensure that this form is signed, notarized and recorded with the Maricopa County Recorder. It must be submitted seven (7) business days prior to the PHO Hearing

The written request must include the following:

- Project background
- Exact stipulations to be modified
- Specific rationale and reasons for modifying/deleting stipulation(s)
- Requested wording for new/revised stipulation(s) in a legislative edit format

Time extensions written request must include:

- Reason why development has not occurred within the approval time
- The length of extension requested

SECTION 3: OWNERSHIP VERIFICATION

It is requested that an application for a hearing by the Planning Hearing Officer be accepted by the Planning Department for the property located at:

Said property is owned by:

The property contains a gross lot area (includes right-of-way to the centerline of adjacent street or alley, or 25 feet along a freeway) of _____ acres.

The property is legally described as (or see attached):

Assessor's Parcel Number(s):

The attached map/survey accurately portrays the parcel configuration and property dimensions, as reflected in the legal description

I hereby certify that the above information is correct, and that I am authorized to file an application on said property, being the owner of record, or authorized to file on behalf of the owner. I am requesting this action to modify the conditions of my existing zoning entitlements. I believe these modified entitlements are in my best interest as the property owner.

Property Owner Signature

Date

I hereby authorize _____
to file for and pursue the rezoning on my behalf.

This instrument was acknowledged before me on this _____ day of _____, 20_____,
by _____. In witness whereof I hereunto set my hand and
official seal.

Notary Public

My commission expires: _____

SECTION 4: INFORMATION FORM

Request for Stipulation modification Time Extension Other _____

OWNER:

Name: _____
Address: _____
Email: _____
Phone: _____ Fax: _____

APPLICANT:

Name: _____
Address: _____
Email: _____
Phone: _____ Fax: _____

REPRESENTATIVE

Name: _____
Address: _____
Email: _____
Phone: _____ Fax: _____

SECTION 5: PROPERTY INFORMATION

Location: _____
Assessor's Parcel Number(s): _____
Gross Acreage: _____ Zoning Map: _____ Q.S. _____
Existing Zoning: _____ Approved Zoning: _____
Council District: _____ Council Person: _____
Village: _____ Village Planner: _____

Last Public Hearing: ZHO PC CC Previous Opposition: Yes No
(If yes attach name and address of each person to the notification list)

Previous P.H.O action(s) and dates: _____

A filing fee has been paid to the City of Phoenix to cover the cost of processing this application.
The fee will be retained to cover said cost whether or not the request is granted.

Applicant's signature

Date

SECTION 6: SAMPLE LETTER

Note: This is a sample letter to be used by the applicant to draft a letter and send via first class mail within 10 business days of filing the application. Verification that said notification has been sent shall be provided to the Planning Department seven (7) business days prior to the Planning Hearing Officer Hearing, along with a copy of the individuals notified. Should the hearing be postponed, the applicant shall be required to send out another notice via first class mail within ten (10) days of the change. Errors in the notification process may cause postponement of the application by the Planning Hearing Officer.

Date: **(Date letters mailed)**

Dear: **(Property Owner or Neighborhood Association president or Interested Party):**

The purpose of this letter is to inform you that we have recently filed a Planning Hearing Officer Hearing Application (**Insert application number**) for a site located at (**Give the location of the property**).

The Planning Hearing Officer (PHO) hearing only acts to modify or delete stipulations from approved rezoning cases. The action is limited to the modification of stipulations that were conditioned as part of the rezoning case. This hearing does not review the original change of zoning request. Our request is for (**Specify the request, modification of stipulations, time extension, etc**).

The Planning Hearing Officer will take place at the following date and location:

200 West Washington St
Phoenix, Arizona, 85003
Assembly Room (**insert room #**)
(**insert date**) at 10:00 a.m.

You may attend the hearing to learn about the case and make your opinions known. Please confirm the meeting details with the City of Phoenix Planning Department before attending as they are subject to change. You may also express your opinions on this case by writing to the Planning Department at 200 West Washington St, Phoenix Arizona, 85003, 6th floor and referencing the case number. Your letter will be made part of the case file. A copy of this application, site plan and all relevant material pertaining to this request are available at <http://phoenix.gov/PLANNING/index.html> and on file and available for examination prior to the public hearing in the office of the Planning Department between the hours of 8:00 a.m. and 5 p.m. Monday through Friday.

I would be happy to answer any question or hear any concerns that you may have regarding this proposal. You may reach me at (**applicant contact information phone #, email, fax, etc**) or you may reach the City of Phoenix Planning Department at 602-262-7131.

Sincerely,

(Signature of Applicant)

Attachments (**Attach a copy of application form and relevant exhibits**)



City of Phoenix
PLANNING DEPARTMENT

Affidavit of Notification

PHO Application No: _____

Applicant Name: _____

Location: _____

I confirm that as required for the case noted above notice has been mailed to the following:

- All property owners within 300-feet of the subject site
- All neighborhood associations registered with the City of Phoenix Neighborhood Notification Office within 600-feet of the subject site
- Persons who completed a card a previous PHO hearing or an original rezoning hearing
- Person who submitted letters of opposition or concern at a previous PHO hearing or an original rezoning hearing
- Persons who are listed in a stipulation for notification of subsequent meetings or hearings

This notification was performed in accordance with the requirements of City of Phoenix Code Section 506 of the Phoenix Zoning Ordinance.

Applicant/Representative Signature

Date

This instrument was acknowledged before me on this _____ day of _____, 20____
by _____. In witness whereof I hereunto set my hand
and official seal.

Notary Public

My commission expires_____

When recorded return to:



Waiver of Claims For Diminution in Value of Property
Under Proposition 207 (A.R.S. 12-1131 et seq.)

Application No(s). _____

WAIVER. By making application for application of the City's land use laws for the real property owned by ("Owner") located within the City of Phoenix or to be annexed by the City more particularly described in the attached Exhibit A (the "Property"), Owner together with its heirs, successors or assignees hereby voluntarily waives its rights to make any claim for diminution in value of Owner's property pursuant to A.R.S. 12-1134 as a result of City's action on the above-referenced application.

Owner acknowledges that he is under no compulsion to enter into this Agreement. Owner understands that this Waiver shall run with the Property and be binding upon subsequent landowners. The duration of this Waiver shall be for a period of three years from the date of City approval of the above-referenced application shall be recorded by Owner with the Maricopa County Recorder.

In the event the above application is withdrawn, or the City denies the application, the City shall release the Owner from this waiver

OWNER
By: _____
Its: _____

SUBSCRIBED AND SWORN to me before
This _____ day of _____, 20_____

Notary Public

My Commission Expires

Exhibit A: Legal description



City of Phoenix

**EXHIBIT A
LEGAL DESCRIPTION OF THE PROPERTY**

2009 Tentative PHO Schedule

PHO Hearing Date	Agenda Close Date	Advertising Publish Date	Ratification Date
January 21 (Conference Room 10E)	December 12, 2008	December 23, 2008	February 18
February 18 (Assembly Room C)	January 9	January 29	March 11
March 18 (Assembly Room C)	February 6	February 26	April 8
April 15 (Conference Room 10E)	March 6	March 26	May 6
May 20 (Assembly Room C)	April 10	April 30	June 10
June 17 (Assembly Room C)	May 8	May 28	August 26
July 15 (Assembly Room C)	June 5	June 25	August 26
August 19 (Conference Room 10E)	July 10	July 30	September 9
September 16 (Conference Room 10E)	August 7	August 27	October 7
October 21 (Assembly Room C)	September 11	October 1	November 18
November 18 (Assembly Room C)	October 9	October 29	December 9
December 16 (Assembly Room C)	November 6	November 26	January 6, 2010

****If a PHO request is appealed, then the City Council ratification date will change.
Please contact Aracely Herrera at 602-495-0383.****

PHO Hearings take place at the following time and locations:

200 West Washington Street
First Floor, Assembly Room C
@ 10:00 a.m.

or

200 West Washington Street
Tenth Floor, Assembly Room 10E
@ 10:00 a.m.

Revised March 10, 2009