

ORDINANCE G-5391

AN ORDINANCE AUTHORIZING THE CITY MANAGER, TO
AMEND THE ZONING FEE SCHEDULE SET FORTH IN
APPENDIX A OF THE PHOENIX ZONING ORDINANCE.

WHEREAS, the most recent overall zoning fee increase occurred in June 2001 and was a 17% increase. Of that 17%, 12% was a general fee increase that went to the Planning Department's recovery of costs. The remaining 5% was earmarked for technology improvements in the Planning Department.

WHEREAS, the proposed amended fees schedule includes an approximately 40% increase to the majority of current fees. The schedule also includes fees for special permits, overlay districts, certain appeals and continuances, applications by neighborhood associations, interpretations/determinations and dust proofing. Authorization is requested for the new fees to take effect on August 1, 2009.

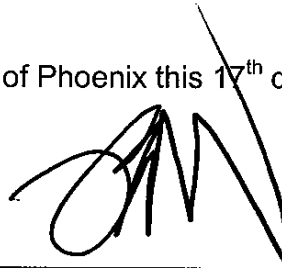
BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PHOENIX as follows:

SECTION 1. The Zoning Fee Schedule shall be amended as indicated in the attached Appendix "A."

SECTION 2. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any

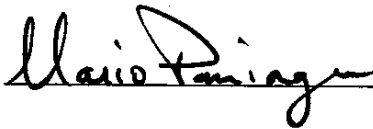
court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof.

PASSED by the Council of the City of Phoenix this 17th day of June, 2009.



MAYOR

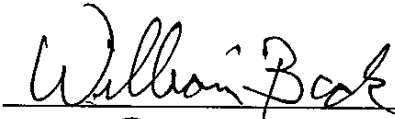
ATTEST:



City Clerk



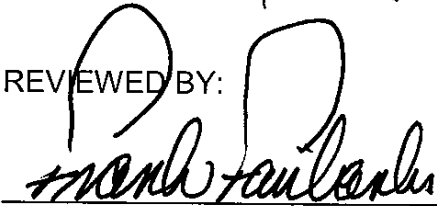
APPROVED AS TO FORM:



Acting City Attorney

MLW

REVIEWED BY:



City Manager

EEB:gw: 806557v1; (CM3) (Item25) 6/17/09

CITY CLERK DEPT.
2009 JUN 15 PM 1:36
SA

APPENDIX A

ZONING FEE SCHEDULE

Section 1. [Fee schedules.]

The following fee schedules are hereby adopted:

A. Applications for zoning amendments, hillside density waivers, written certification of zoning, promotional event permits, and specific plans shall be accompanied by appropriate fees as determined from the following schedule:

1. FEES

- 1. Rezoning to RE-35, R1-18, R1-10, R1-8, R1-6, S-1 AND MUA, and special permits for group homes, specialized treatment facilities, recovery homes, nursery schools, and religious retreat facilities
a. Removal of special permit \$1,080.00 1,515 plus \$95.00 135 per acre or portion thereof
- 2. Rezoning to R-2, R-3, R-3A, P-4 \$625.00
- 3. Rezoning to R-4, R-4A, R-5, P-2, AND S-2, and R-O \$1,895.00 2,655 plus \$150.00 210 per acre or portion thereof
- 4. REZONING TO R-O, C-O, P-1 AND P-2 \$2,200.00 3,080 plus \$230.00 325 per acre up to 20 acres and \$95.00 135 per acre for more than 20 acres
- 4.5. Rezoning to Resort District, C-O, C-1, C-2, C-3, PSCOD, Commerce Park, A-1, A-2, GC AND UR and all special permits except those listed in subsection 1. \$3,500.00 PLUS \$325.00 PER ACRE OR PORTION
- a. Removal of special permit \$2,790 3,910 plus \$295.00 415 per acre up to 40 acres, \$150.00 210 for more than 40 acres up to 100 acres, and \$49.00 70 per acre for more than 100 acres
- ba. Request to waive the height and density provisions of commercial districts \$625.00
If part of the original zoning request, no additional fee. If a separate request, 30% 50% of underlying zoning fee.

5.6.	Rezoning to H-R, H-R1, and MR	\$ 6,150.00 8,610 plus \$ 590.00 830 per acre or portion thereof
a.	Request to reduce parking requirements	If part of the original zoning request, no additional fee. If a separate request, 30% of the H-R, H-R1, or MR filing fee applicable to the property.
b.	Request to exceed the applicable height limit	If part of the original zoning request, no additional fee. If a separate request, 30% of the H-R or H-R1 filing fee applicable to the property.
6.7.	Rezoning to PC	\$ 4,685.00 6,560 plus \$ 49.00 70 per acre or portion thereof over 40 acres
a.	Amendment to an approved PC district for 15 acres or less for a residential district	\$3,330.00 4,665
b.	Amendment to an approved PC District for more than 15 acres for a nonresidential use or multiple locations of any uses	\$7,460.00 10,445
c.	Administrative amendment to an approved PC District	\$4,260.00 2,000 plus \$625.00 for each 20 acres or portion thereof over the first 20 acres.
7.8.	Rezoning to Planned Unit Development (PUD)	\$ 3,000.00 + 4,200 PLUS \$ 50.00 70 per acre or portion thereof
a.	Major amendment to an approved PUD	Same as the original PUD application fee
b.	Minor amendment to approved PUD	\$1,500.00 2,100
9.	SPECIAL PERMIT	
a.	FOR GROUP HOMES, SPECIALIZED TREATMENT FACILITIES, DEPENDENT CARE FACILITY AND RELIGIOUS RETREAT FACILITIES	\$1,515 plus \$135 per acre or portion thereof

- b. ALL SPECIAL PERMITS EXCEPT THOSE LISTED IN SECTION 9.a. \$3,910 plus \$415 per acre up to 40 acres, \$210 for more than 40 acres up to 100 acres, and \$68 per acre for more than 100 acres
 - c. REMOVAL OF A SPECIAL PERMIT \$875
- 8-10. Rezoning to Overlay Districts:
 - a. Arts, Culture And Small Business Overlay District (ACOD) \$1,000.00 PLUS± \$10.00 per acre or portion thereof
 - b. PLANNED SHOPPING CENTER OVERLAY DISTRICT (PSCOD) \$3,910 PLUS \$415 PER ACRE UP TO 40 ACRES, \$210 FOR MORE THAN 40 ACRES UP TO 100 ACRES, AND \$70 PER ACRE FOR MORE THAN 100 ACRES.
 - c. HISTORIC PRESERVATION \$870 PLUS \$25 PER ACRE OR PORTION THEREOF
 - (1) REMOVAL OF HISTORIC PRESERVATION OVERLAY \$870 PLUS \$25 PER ACRE OR PORTION THEREOF
 - d. ALL OVERLAYS NOT ADDRESSED ABOVE IF PART OF THE ORIGINAL TEXT AMENDMENT, NO ADDITIONAL FEE. IF A SEPARATE REQUEST, \$3,330 FOR 15 ACRES OR LESS AND \$7,460 FOR MORE THAN 15 ACRES.
- 9-11. Request for waiver of uses not permitted within corporate limits, except facilities which treat, store, or dispose of hazardous waste \$3,480.00 4,875

44-12. Facilities which treat, store, or dispose of hazardous waste

An initial fee of \$58,500.00. If the reasonable cost of processing the application is less than \$58,500.00, the difference between the reasonable cost and \$58,500.00 shall be refunded to the applicant. If the reasonable cost of processing the application is greater than \$58,500.00, the applicant shall be billed for the difference and such difference shall be paid in full no less than 30 days before the City Council hearing on the waiver application.

40-13. Specific plan fees:

a. Nonregulatory specific plan fees

~~\$26,110.00~~ 36,555
plus ~~\$1,740.00~~ 2,440
per 100 acres or
portion thereof plus
~~\$865.00~~ 1,215 per
100 property owners
or portion thereof in
the specific plan area

(1) Maximum fee
b. Regulatory specific plan fees

~~\$43,510.00~~ 60,915
150% of
nonregulatory specific
plan fees

(1) Maximum fee
c. Amendment to specific plan:

~~\$65,275.00~~ 91,385

(1) Text amendment

~~\$2,200.00~~ 3,080

(2) Land use map amendment:

No. of Acres	Density or FAR		
0--10	Up to 0.25	0--2	\$1,735.00 2,430
11--40	0.26--0.5	2--5	\$3,480.00 4,875
41--320	0.51--0.75	5--15	\$5,225.00 7,315
320	0.75	15+	\$6,960.00 9,745

If a project falls in two different fee categories, staff may require the higher fee or average the two fee categories based on the overall impact of the project.

- (3) Mailing costs All applicable mailing costs shall be paid by the applicant.

~~11.13. Amendment of ordinance text:~~ TEXT
AMENDMENTS:

- a. Modification of standards for one district only \$~~4,965.00~~ 2,755
- b. Modification of standards for multiple districts \$~~3,440.00~~ 4,820
- c. Change in land uses allowed \$~~6,880.00~~ 9,635
- d. New district, overlay zone (SHALL INCLUDE AMENDMENTS TO ZONING MAP), or section of ordinance \$~~11,040.00~~ 15,145

~~12.14. Continuances, amendments in process, referrals and advertising:~~

- a. Continuance of application at applicant's request. Failure to pay the required fee within ~~seven~~ FOURTEEN days of Planning Commission or Zoning Hearing Officer action on the continuance shall result in the withdrawal of the application. \$~~590.00~~ 830
- b. Amendment to application during processing by applicant \$~~135.00~~ 190
- c. Applicant referred back to Planning Commission from City Council, plus additional area if amended 1/2 original fee
- d. Readvertising in paper of general circulation as a result of b or c above \$~~280.00~~ 395 per application

15. APPEALS BY THE APPLICANT/REPRESENTATIVE TO THE PLANNING COMMISSION OR CITY COUNCIL \$630

~~13.16. Planning hearing officer:~~

- a. Requests for modification or waiver of one or two stipulations or requests for extensions of time (initial fee) \$~~770.00~~ 1,080

b.	Request for three or more modifications and/or waivers OF THREE OR MORE STIPULATIONS OR REQUEST FOR EXTENSIONS OF TIME	\$1,230.00 1,725
c.	Appeals BY THE APPLICANT/ REPRESENTATIVE to Planning Commission or City Council	\$540.00 630 per appeal
d.	Planning Hearing Officer continuance at applicant's request	\$590.00 830
e.	CERTAIN MODIFICATION TO COMPREHENSIVE SIGN PLAN (WALL SIGNS OVER 56')	\$1,080
14.	Appeals to Planning Commission and City Council:	
a.	Zoning by applicant	\$450.00
15-17.	Request for hillside density waiver	\$1,270.00 1,780 plus \$125.00 175 per acre
16-18.	Written certification of zoning	\$245.00 350
17-19.	For each promotional event permit, there shall be a fee of:	
a.	For a major promotional event	\$460.00 225
b.	For a minor promotional event	\$95.00 135
18-20.	Private accessway dedication review fee	\$1,665.00 2,335

2. The fee for an application for rezoning to more than one zoning classification shall be the total of the separate fees for each zoning classification.
3. NO PART OF ANY SUCH FEE SHALL BE RETURNABLE AFTER AN APPLICATION IS FILED AND SUCH FEE PAID, EXCEPT UPON PETITION BY THE APPLICANT AND APPROVED BY THE PLANNING DIRECTOR.

~~For the purposes of this ordinance, the first site plan filed with the City for a site which was developed prior to annexation shall be considered as an amendment in a previously approved site plan.~~

4. THE ABOVE FEES SHALL BE WAIVED WHEN THE APPLICANT IS THE CITY OF PHOENIX, THE COUNTY OF MARICOPA, THE STATE OF ARIZONA OR THE UNITED STATES GOVERNMENT, OR THEIR DEPENDENTS, AGENCIES AND DIVISIONS. ~~No filing fee shall be required for an application made by the Commission or by and for the direct use of any governmental jurisdiction organized under the laws of the State of Arizona or the laws of the United States.~~ This exception shall not apply to a nongovernmental lessee of governmentally owned land.
5. Fees may be waived by the City Council to avoid duplication of charges on successive applications or undue hardship.

B. Applications and appeals for zoning adjustment shall be accompanied by the appropriate fee as determined from the following schedules:

1. FEES

1.	Appeals from any action of Zoning Administrator	Same as original fee
21.	Use permits:	
a.	Residential use in an industrial district	\$350.00 490
b.	For a nonresidential use	\$985.00 1,380
e.	All others including section 701.D	\$350.00
dc.	Extension CONTINUANCE OF AN APPLICATION AT APPLICANT'S REQUEST OR TIME EXTENSION (PRIOR TO EXPIRATION) of original permit	50% of original fee
d.	APPLICATIONS BY REGISTERED NEIGHBORHOOD ASSOCIATIONS OR NON-PROFIT ORGANIZATIONS REGISTERED AS 501(c)3 OR 501(c)4.	\$50
e.	UNAUTHORIZED ACTIVITY	TWICE THE ORIGINAL FEE
ef.	Maximum fee on a single application	\$985.00
	(1) RESIDENTIAL USE	\$490
	(2) NON RESIDENTIAL USE	\$3,750
32.	Variances (FOR EACH VARIANCE)	
a.	Commercial variance	\$985.00 1,380
b.	Noncommercial variance	\$350.00 490
c.	Extension CONTINUANCE OF AN APPLICATION AT APPLICANT'S REQUEST OR TIME EXTENSION (PRIOR TO EXPIRATION) of original variance	50% of original fee
d.	APPLICATIONS BY REGISTERED NEIGHBORHOOD ASSOCIATIONS OR NON-PROFIT ORGANIZATIONS REGISTERED AS 501(c)3 OR 501(c)4.	\$50
e.	UNAUTHORIZED ACTIVITY	TWICE THE ORIGINAL FEE
f.	Maximum fee per application for variances on single lot	\$985.00
	(1) FOR A RESIDENTIAL PROPERTY	\$490
	(2) FOR A NON RESIDENTIAL PROPERTY	\$3,750

g.	Total fee per application for a single variance on more than one lot in a subdivision	Fee according to the schedule for the first lot, plus \$37.00 65 for each additional lot. Maximum fee \$995.00 5,000
h.	Total fee per application for combination of variances on more than one lot in a subdivision lot	Fee according to this schedule for first lot plus \$49.00 85 for each additional lot. Maximum fee \$2,650.00 10,000
i.	Continuance of application at applicant's request	50% of original fee
3.	APPEALS FROM ANY ZONING ADJUSTMENT HEARING ACTION	
a.	BY THE APPLICANT/ REPRESENTATIVE	SAME AS ORIGINAL FEE
b.	BY REGISTERED NEIGHBORHOOD ASSOCIATIONS	\$50.00
4.	Interpretations	\$350.00
4.	FORMAL INTERPRETATIONS/ DETERMINATIONS	\$500
5.	Appeal of a Board of Adjustment decision to City Council	\$985.00
5.	INFORMAL INTERPRETATIONS/ DETERMINATIONS	\$350 *
6.	STIPULATED REVIEW OF FORMAL ZONING ADJUSTMENT ACTION TAKEN	50% OF ORIGINAL FEE
7.	REQUEST FOR USE OF DUSTPROOF ALTERNATIVE	
a.	FOR A RESIDENTIAL USE	\$25
b.	FOR A COMMERCIAL USE	\$50
8.	REGISTRATION OF GROUP HOMES (THOSE NOT NEEDING A USE PERMIT)	
a.	FOR 1-5 RESIDENTS	\$50
b.	FOR 6-10 RESIDENTS	\$250

* INFORMAL INTERPRETATIONS ARE NOT PRESENTED IN PUBLIC HEARINGS. A FORMAL DETERMINATION MUST BE FILED TO APPEAL ANY DECISION MADE IN AN INFORMAL INTERPRETATION. THE APPLICANT MAY REQUEST THAT THE APPEAL BE FORWARDED DIRECTLY TO THE BOARD OF ADJUSTMENT.

62. No part of any such fee shall be returnable after an application is filed and such fee paid, except upon petition by the applicant and approval by the Planning Director.

73. The above fees shall be waived when the applicant is the City of Phoenix, the County of Maricopa, the State of Arizona, and OR the United States government, or their dependents, agencies and divisions. THIS EXCEPTION SHALL NOT APPLY TO NONGOVERNMENTAL LESSEE OF GOVERNMENTALLY OWNED LAND.

84. The above fees may be waived by City Council to avoid undue hardship to the applicant.

9 ~~The above fees shall be waived in all variance requests filed in Overlay Districts that would result in an increase of 20% or more in the allowed building height, lot coverage, or the building setback when being considered in the same application for a height variance for the following:~~

~~a. Homeowners located within 300 feet of the site, or~~

~~b. Neighborhood or homeowner's associations registered with the City that are located within 600 feet of the site for which the variance has been requested, or~~

~~c. Nonprofit agencies who can demonstrate that their programs, services or properties will be affected by the variance request.~~

~~—The fee waivers would not apply to the owner or applicant of the property for which the variance has been requested.~~

C. APPLICATIONS AND APPEALS FOR MASTER DEVELOPMENT SIGN PLANS AND DETAILED PROJECT SIGN PLANS SHALL BE ACCOMPANIED BY THE APPROPRIATE FEE AS DETERMINED FROM THE FOLLOWING SCHEDULES:

1.	APPEALS FROM ANY ACTION OF PLANNING DIRECTOR	SAME AS ORIGINAL FEE
2.	DOWNTOWN SIGN PLANS:	
A.	MASTER DEVELOPMENT SIGN PLAN	\$1,710.00
B.	DETAILED PROJECT SIGN PLAN	\$855.00