

Zoning Information Guide

"Planning with People for a Better Phoenix"



City of Phoenix
PLANNING & DEVELOPMENT DEPARTMENT

Planning Hearing Officer Procedures Outline

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 also hears requests to revert zoning if initiated by the Planning Commission and certain modifications to comprehensive sign plans. Hearings are held every third Wednesday of the month at 10:00 a.m. Appeals from the PHO are heard by the Planning Commission, and further appeals by the City Council, pursuant to Section 506.

A.R.S. § 9-836 requires that an applicant for a license (permit) be provided with applicable licensing time frames and a list of all the steps the applicant is required to take to obtain the license. This guide outlines the items that must be completed prior to action by the City Council and the total time in which the review will be completed. The process provides for a timely decision by City Council pursuant to the timeline but does not guarantee a successful outcome.

The Planning Hearing Officer (PHO) process is a legislative act and the adopted time for this process is outlined on the last page of this packet. It allows time for staff administrative and substantive reviews. It also allows for suspension of the review timeframe for a public hearing process. The time suspension will start when the property is posted by the City of Phoenix for the public hearing process.

APPLICATION TYPES AND FEES	
Application Type	Fee
Requests for modification and/or waiver of one or two stipulations or requests for extensions of time	\$1,080
Requests for modification and/or waiver of three or more stipulations or requests for extensions of time	\$1,725
Applications initiated by the Planning Commission to revert zoning	\$1,080
Certain modifications to Comprehensive Sign Plans (e.g., wall signs over 56 feet)	\$1,080
Continuance at applicant's request	\$830
Appeals by the applicant or representative	\$630

Application Review Process: Upon receipt of an application, staff will review all submittal items. When the application is deemed complete, staff will contact the applicant and confirm the Village Planning Committee (VPC) (if applicable) and PHO hearing dates. The PHO hearing date may vary depending on whether or not a VPC meeting is required. The PHO hearing is typically held approximately 6 to 8 weeks after an application is filed.

Applicant Public Notification Requirements: The applicant is required to mail a notification letter (Page 8) that explains their request and describes review and comment opportunities to all those who:

- Are property owners within 300 feet of the subject site.
 - **Available at <http://maps.mcasessor.maricopa.gov/>**
- Are neighborhood organizations registered with the City that are within a 600-foot radius of the subject site.
 - **Staff will provide the mailing list for registered neighborhood organizations during filing.**
- Submitted opposition or spoke in concern at any prior rezoning or PHO hearing.
 - **The applicant shall provide this list, as identified through review of prior case files.**
- Are listed in a stipulation for notification of subsequent meetings or hearings.
 - **The applicant shall provide this list, as identified through review of current stipulations.**

The letter must be mailed at least fifteen (15) calendar days prior to the first scheduled hearing date. The letter must contain the application number, location of the site, nature of the request, and the date, time and location of the VPC meeting (if applicable) and PHO hearing. Enclose with the letter the written request, proposed site plan and elevations, a parcel map identifying the location of the site, and any other information necessary to explain the request to the general public. Errors in completing public notification requirements may cause delays in scheduling public hearings.

A copy of the letter, all notification lists, and the notarized affidavit of notification (Page 9) shall be submitted to staff at least seven (7) calendar days prior to the PHO. Staff may require additional notification.

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

- A newspaper advertisement stating the request, date, time and location for the hearing in a newspaper of general circulation in the City of Phoenix.
- Post the request on the subject property indicating the date, time and location of the hearing.
- Post a copy of the application online at <https://www.phoenix.gov/pdd/pho>
- Mail a notice to the owner, applicant, and representative of the date, time and location of the hearing.

PHO Hearing Process: At the hearing, the applicant will present the case and rationale for each request. Following the applicant's presentation, persons in interest will be given an opportunity to speak. Finally, the applicant will be allowed time for rebuttal. Upon review of the record and consideration of relevant comments, the PHO will make a recommendation. If the PHO recommendation is not appealed, the request will be scheduled for City Council ratification or Ordinance adoption within approximately 3 to 4 weeks following the PHO hearing.

PHO Appeal Period: Within seven (7) calendar days of the PHO's recommendation, any member of the public may appeal the recommendation to the Planning Commission at the following location:

Planning and Development Department
2nd Floor – Zoning Counter
200 West Washington Street
Phoenix, Arizona 85003

Appeals are heard by the Planning Commission. Planning Commission recommendations 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.

To request clarification or to obtain further information on the application process and applicable review time frames, please call 602-262-7131 (Option 6), email pdd.pho@phoenix.gov, or visit our website at <https://www.phoenix.gov/pdd/licensing-time-frames>.

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 Angie Holdsworth at 602-329-5065 or via the TTY Relay at 7-1-1.

SUBMITTAL CHECKLIST

For additional information, please call the Planning and Development Department, Zoning Section at 602-262-7131, Option #6.

- Application Fee** (see page 1)
- Written Request**
 - The written request must include the following:
 - Project background and detailed description of proposal
 - Complete text of all stipulations included in request for modification or deletion
 - Proposed modifications, deletions, and/or new stipulations written in legislative edit format
 - Detailed rationale for each individual request
 - Time extension written requests must include:
 - Reason why development has not occurred within the stipulated timeframe
 - The length of the time extension requested
- Ownership Authorization Form** (Page 6)
 - Ensure this form is complete, signed, and notarized.
 - The signee must be the property owner or, if the owner is a corporate entity, the signee must be an authorized agent of that entity.
- Application Information Form** (Page 7)
- Proposed Site Plan** (see page 4)
 - one – 8.5" x 11" AND two – 24" x 36"
- Proposed Elevations** (see page 4)
 - one – 8.5" x 11" AND two – 24" x 36"
- Other Plans/Details** (see page 4)
 - one – 8.5" x 11" AND two – 24" x 36"
- Parcel Map**
 - Delineate the project area. Identify if the project area is a portion of a larger rezoning application and show this on the parcel map.
- Legal Description** (see page 5)
- Notification Requirements** (see pages 2, 8, and 9)
 - At filing, applicant must provide required notification lists as outlined on page 2.
 - Additional notification documents are required later as outlined on page 2.
- Proposition 207 Waiver** (see pages 10-11)
 - The form must be signed, notarized and recorded with the Maricopa County Recorder. It must be submitted seven (7) working days prior to the PHO hearing.
- CD with copies of all submittal items** (see page 5 for acceptable file formats)

SITE PLAN/ ELEVATION REQUIREMENTS

For additional information, please call the Planning and Development Department, Zoning Section at 602-262-7131, Option #6.

Site Plan/Elevation Information

- To Scale (Engineers Scale) - 2 copies of site plan and 2 copies of elevations (**24" x 36" FOLDED**)
- 8.5" x 11" Reduction - 1 copy of site plan and elevations

All site plans shall be at a scale of 1" = 60' or greater (i.e. 1:50, 1:40, etc.). For larger projects a smaller scale (i.e. 1:80, 1:100, etc.) cover or MASTER sheet shall be provided showing match lines for individual site plan sheets at the prescribed scale (1" = 60' or greater).

The following items must be placed on the plans:

- Project description
- Vicinity map with notation of site
- North arrow and scale (engineers scale) - north arrow to be a minimum of 3 inches in height and located at the southeast corner of the site plan
- Property lines and dimensions
- Existing street names and right-of-way dimensions
- Access points/modifications to existing street improvements
- Gross building area and floor area ratio (FAR) (gross building area to gross site for non-residential)
- Setbacks (building and landscape)
- Lot coverage
- Total dwelling units/density (residential proposals)
- Height in stories and feet
- Parking required and provided (for other than single-family)
- Landscape plan

ELECTRONIC SUBMITTAL REQUIREMENTS

For additional information, please call the Planning and Development Department, Zoning Section at 602-262-7131, Option #6.

Applicants must submit a copy of the application and all supplemental information on a CD (compact disc). CDs are not returned to the applicant. USB flash drives are not acceptable.

All application documents must be submitted electronically and all subsequent amendments to the application must include an electronic submittal.

Incomplete electronic submittals and/or amendment submittals may result in extended processing and review times and delays in scheduling public hearings.

Submittal Items

- PDF files - All documents including application forms, site plans, building elevations, context plans, etc.
- Do not combine documents into one PDF file. Each submittal item must be provided as an individual PDF file.

Legal Descriptions

- Legal descriptions must be submitted in Word (.doc or .docx) or text (.txt) format, in addition to an identical PDF file.
- Legal descriptions must contain the Section, Township, and Range information for the subject property of the request.
- If the application consists of multiple zoning districts or General Plan land use categories, then separate legal descriptions must be provided.
- If an application is amended and alters the subject property's boundaries in any way, a new legal description must be submitted immediately.
- Applications regarding Planned Unit Developments (PUD) may be required to provide separate legal descriptions based on the division of land uses in the PUD.
- **Only if requested by staff:** Shapefiles (preferred) or CAD .dwg and .dxf files depicting all legal descriptions.

Example of What Not To Submit as a Legal Description

- APN 202-22-014
(The APN alone is not sufficient information)
- N2 SEC 10 T6N R2E LY E OF E R/W LN H/W P/D 5263-166 EX BEG AT
N4 COR TH E 131.55F TH S 660.34F TH W 1311.43F TO POB TH E
2507.10F TH S 2644.88F TH W 2624.15F TH N 1973.87F TH E 120.20F
TH N 660.34F TO POB AS DESC P/F 05-1675663
(Abbreviations will not be accepted)
- ALTA Survey
(ALTA surveys do not have the proper format)

OWNERSHIP AUTHORIZATION FORM

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

The 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 or canal that is subject to the Canal Bank Design Guidelines) 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. 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)

Property Owner (Printed)

Date of Signature

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: _____

APPLICATION 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: _____

PROPERTY INFORMATION

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

Rezoning case number containing current stipulations: _____

Approval Letter date/Ordinance number: _____

Previous Opposition: Yes No (If yes, attach name and address of each person to the notification list)

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 these costs whether or not the request is granted. I hereby certify that the above information is correct, and that I am authorized to file on behalf of the owner. I understand that any materials submitted are part of the public record and consent to reproduction for the purpose of public examination and discussion in preparation for and during any public hearing process concerning this application. This does not permit reproduction for any commercial purpose.

Applicant's Signature

Date

To request clarification or to obtain further information on the application process and applicable review time frames, please call 602-262-7131 (Option 6), email pdd.pho@phoenix.gov or visit our website at <https://www.phoenix.gov/pdd/licensing-time-frames>.

NOTIFICATION LETTER

Note: This letter template shall be used by the applicant to send required notification letters as outlined on Page 2. Errors in completing public notification requirements may cause delays in scheduling public hearings.

Date: **(Date letters mailed)**

Dear: **(Property Owner/Registered Neighborhood Organization/Interested Party):**

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

The Planning Hearing Officer (PHO) hears requests to delete or modify stipulations from approved rezoning cases. The PHO does not reconsider or review the original approval of the rezoning case. Our request is for **(Specify the request and application type: modification of stipulations, time extension, etc.)**.

The **(Village Planning Committee and/or Planning Hearing Officer hearing)** will take place at the following date and location:

(Village name) Village Planning Committee

(Insert Location)

(Insert Date and Time)

Planning Hearing Officer

(Insert Location)

(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 and Development Department before attending as they are subject to change. You may also express your opinions on this case by writing to the Planning and Development Department at 200 West Washington Street, 2nd Floor, Phoenix, Arizona, 85003, or by emailing pdd.pho@phoenix.gov, 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 [https://www.phoenix.gov/pdd/planning-zoning/pzservices/planning-hearing-officer-\(pho\)](https://www.phoenix.gov/pdd/planning-zoning/pzservices/planning-hearing-officer-(pho)) and on file and available for examination prior to the public hearing at the City of Phoenix Planning and Development Department, Zoning Counter, between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday.

I would be happy to answer questions 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 and Development Department at 602-262-7131, Option 6.

Sincerely,

(Signature of Applicant)

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



City of Phoenix

PLANNING AND DEVELOPMENT DEPARTMENT

Affidavit of Notification

PHO Case Number: _____

Applicant Name: _____

Location: _____

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

- All property owners within a 300-foot radius of the subject site.
- All neighborhood organizations registered with the City that are within a 600-foot radius of the subject site.
- All persons who submitted opposition or spoke in concern at an original rezoning hearing or prior PHO action.
- All 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:



City of Phoenix

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 and 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

attached: Exhibit A, Legal Description



City of Phoenix

**EXHIBIT A
LEGAL DESCRIPTION OF THE PROPERTY**

2023 PHO Schedule

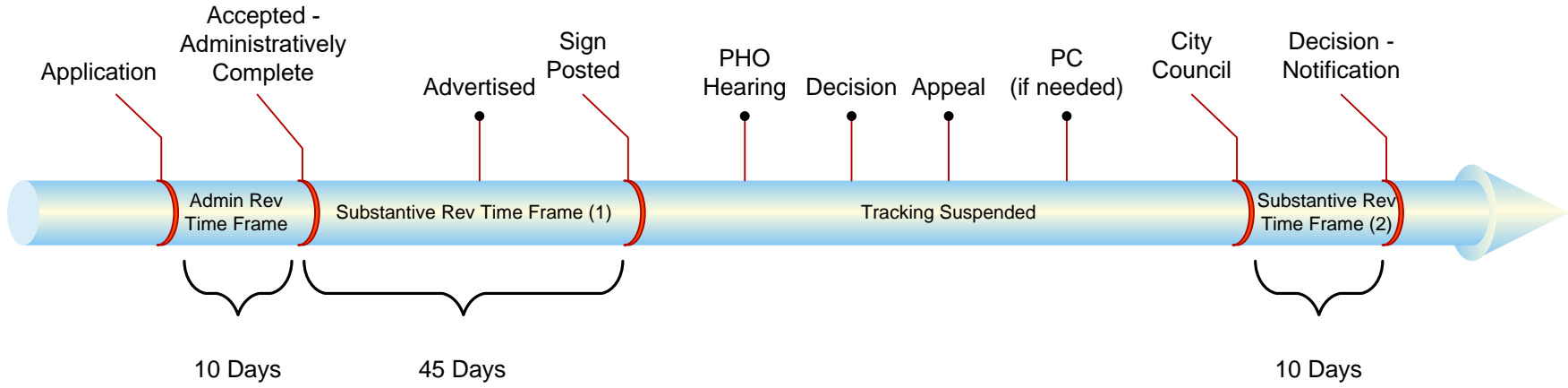
PHO Hearing*	PHO Agenda Close	City Council Ratification**
January 18	December 2, 2022	February 15
February 15	December 30, 2022	March 22
March 15	January 27	April 19
April 19	March 3	May 31
May 17	(Thu) March 30	June 28
June 21	May 5	August 30
July 19	June 2	August 30
August 16	June 30	September 20
September 20	August 4	November 1
October 18	September 1	November 15
November 15	September 29	December 13
December 20	November 3	TBD

*** PHO hearing dates may change depending on whether a Village Planning Committee meeting is required.**

**** City Council ratification dates may change if a PHO recommendation is appealed.**

For questions, please contact pdd.pho@phoenix.gov

Planning Hearing Officer (PHO) Process – SB1598



Overall Time Frame (City Staff Time)
10 + 45 + 10 = 65 Working Days