

Zoning Information Guide



"Planning with People for a Better Phoenix"

City of Phoenix
PLANNING & DEVELOPMENT DEPARTMENT

Rezoning Actions: Petitions, Appeals and Written Protests to Require 3/4 Votes

During processing of or public hearings for rezoning or Planning Hearing Officer (PHO) actions, interested parties may express their support for or opposition to the rezoning/PHO application and request an appeal of a decision on the application or request a three-fourths (3/4) vote rather than a simple majority for City Council approval of the application. These distinct items are discussed below.

General Petition

If an individual or group wishes to support or oppose a certain rezoning, PHO or special permit case, they may obtain signatures by petition and present them to a village planning committee, the Planning Commission or Mayor and City Council. The reason for the petition is to impress upon the voting body that there are citizens concerned about a particular request. A general petition has no other function than to provide a list of citizens who are in favor or who are opposed to the application to identify specific concerns. It has no legal impact. Anyone of voting age may sign a general petition whether or not they live in the area near the site of the proposed rezoning.

General Petition Requirements: A general petition must:

- Have its purpose clearly stated at the top of every sheet that contains signatures; and
- Include the rezoning/PHO application number and the site address/location to identify the subject property.

The completed petition should be date stamped by staff when it is submitted at the Zoning Counter located on the 2nd Floor of City Hall or at the public hearing.

Appeal

If an individual or group disagrees with the decision at a public hearing, they may file an appeal to require another public hearing before the next body in the hearing process. This appeal is different from a petition for a 3/4 vote, discussed below. In order to request an appeal of a Planning Hearing Officer action to the Planning Commission or of a Planning Commission action to the City Council, a member of the public must file a Request for Public Hearing at the Zoning Counter located on the 2nd Floor of City Hall. The request form is available at all Planning Hearing Officer and Planning Commission hearings and at the Zoning Counter located on the 2nd Floor of City Hall. It must be returned to the Zoning Counter no later than 5:00 p.m. seven calendar days after the date of the Hearing Officer's or Commission's decision.

Petition for three-fourths (3/4) Vote before City Council/Written Protest:

If the owner(s) of specific property on or near the site of a rezoning or special permit application disagree(s) with a Planning Commission recommendation on the rezoning, the owner(s) may file a petition/written protest to require a 3/4 City Council vote, rather than a simple majority, to approve the case.

Important notes/requirements for Petition for three-fourth (3/4) vote:

- The petition/written protest must be submitted after the Planning Commission hearing on the application. It must be filed no later than the end of the appeal period, 5:00 p.m. seven days after the Planning Commission vote.
- The petition/written request must be signed by the **OWNERS** of 20% or more of the property by area **and** number of lots, tracts and condominium units **within** the zoning petition area of the affected property, excluding government owned property.
- When determining whether a 3/4 vote is necessary, the city can only consider signatures from owners of property that are within the area of the proposed amendment or the area within 150-feet of the proposed amendment, including all rights-of-way, on the petition/written protests pursuant to state law (A.R.S. 9-462.04.H).
- There is neither need nor value in obtaining signatures of property owners beyond the 150-foot limit because they are not valid for requiring this 3/4 vote by the City Council.
- The signatures of anyone who rents or leases property within 150 feet of the site will not be counted.
- Condominium owners must work through the Homeowners Association (HOA) as only someone representing the ownership of the land (tract) may sign a 3/4 vote petition. Documentation must be provided that verifies that the signer is authorized to sign on behalf of the HOA.
- The petition must have its purpose (to protest the Planning Commission's decision on the rezoning application and require a 3/4 vote by the City Council) stated at the top of every sheet that contains signatures. It must also include the rezoning/PHO application number and address/location to identify the subject property.
- The petition/written protest must be date stamped by staff when it is submitted.

If you have any questions regarding petitions, appeals or written protests to require a 3/4 vote, please call 602-262-7131, option 6.

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 Tamra Ingersoll at voice 602-534-6648 or via the City TTY Relay at 7-1-1.

EXAMPLE

Petition for **THREE-FOURTHS (3/4)** Vote by City Council
 for
REZONING APPLICATION # Z-555-55-5
 Request: **R1-6 to C-1**
 Location: **54321 Central Avenue**

We the undersigned are OWNERS of property within the area of the proposed amendment or the area within 150-feet of the proposed amendment, including all rights-of-way, requesting the rezoning action. We request that the City Council be required to pass this rezoning application by a three-fourths (3/4) vote.




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The following are illustrative examples related to the requirements for determining whether a 3/4 vote is required.

Examples of Lots, Tracts, and Condominium Units:

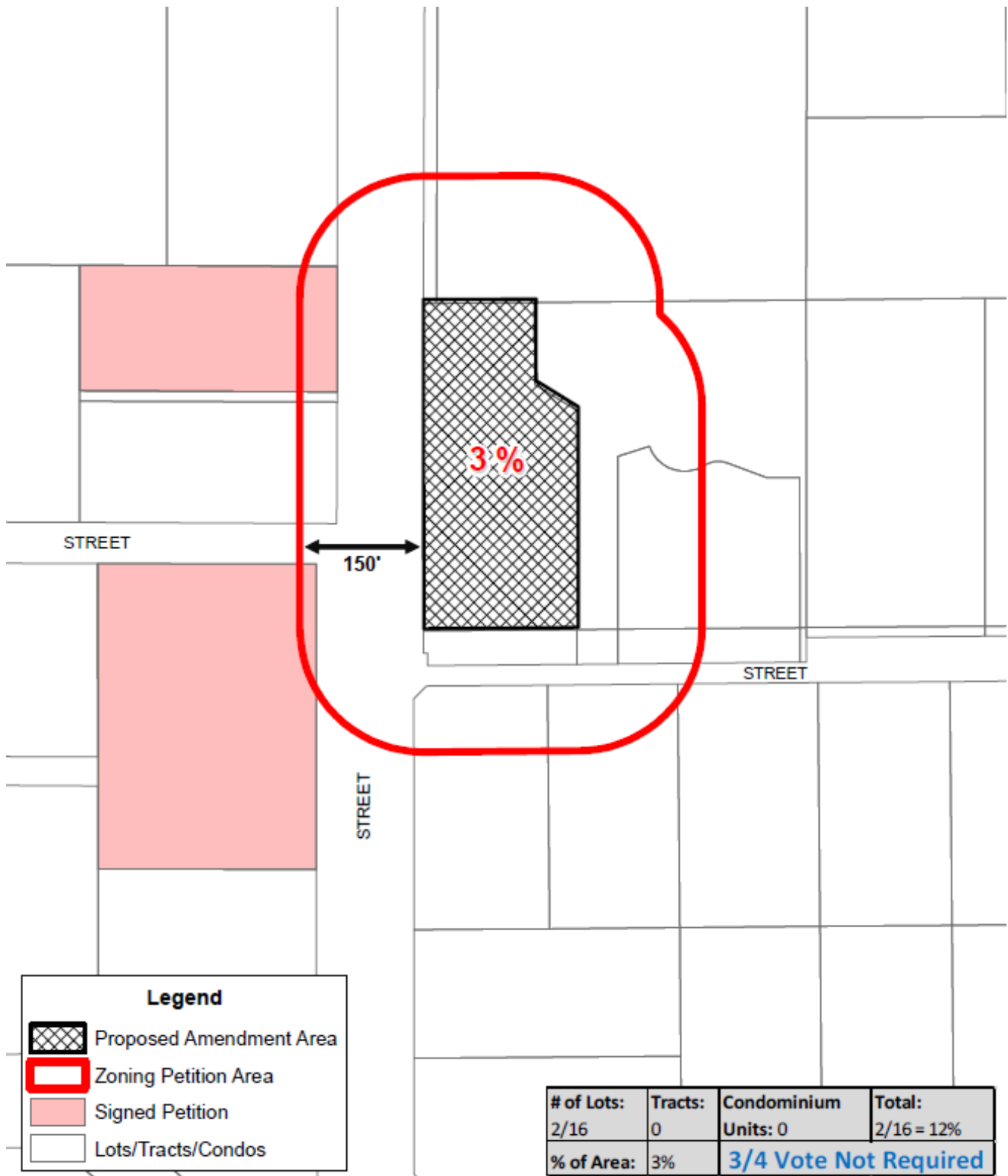


Legend

-  Lot
-  Tract
-  Condominium

Example: 3/4 vote NOT required

In this example property owners (lots) of less than 20% of the area within 150-feet of the proposed amendment, including all rights-of-way, have submitted a petition or written protest. A 3/4 vote will not be required.



Example: 3/4 vote REQUIRED

In this example property owners (lots and condominiums) of more than 20% of the area within 150-feet of the proposed amendment, including all rights-of-way, have submitted a petition or written protest. A 3/4 vote will be required.

