

Zoning Information Guide

"Planning with People for a Better Phoenix"



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 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. 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 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. A public hearing will be held before the PHO approximately 6 to 8 weeks after an application is filed.

Applicant Notification Requirements: The applicant shall send a letter (sample attached) to neighbors, neighborhood associations, and specified individuals that explains 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
- 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 and Development 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 the 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 decision. If the PHO is not appealed, the request will be scheduled for City Council ratification or Ordinance adoption 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 and Development Department
2nd 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 Nici Davidson at voice 602-495-0256 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"/>	Copies of proposed site plan	2 scaled drawing (24" x 36") 1 reduction (8 ½ " x 11") See Page 4 for Submittal Checklist
<input type="checkbox"/>	Copies of the proposed project elevations	2 scaled drawing (24" x 36") 1 reduction (8 ½ " x 11") See Page 4 for Submittal Checklist
<input type="checkbox"/>	Copies of other plans/details	2 scaled drawing (24" x 36") 1 reduction (8 ½ " x 11") See Page 4 for Submittal Checklist
<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 3rd Floor, Property Records
<input type="checkbox"/>	Property Owner Notification Requirements	See Section 6. Must provide a complete list of required individuals/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 2nd 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
<input type="checkbox"/>	CD with electronic copies of all submittal items	See Page 5 for acceptable formats

The written request must include the following:

- Project background and detailed proposal
- Exact stipulations to be modified in legislative edit showing proposed changes
- 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

SITE PLAN SUBMITTAL CHECKLIST

*This handout addresses the site plan documentation necessary to submit for a PHO request. **AN INCOMPLETE SUBMITTAL WILL NOT BE ACCEPTED FOR PUBLIC HEARING.** All applications are filed at the Planning and Development Department zoning counter, between 8:00am and 4:00pm, Monday through Friday and take approximately 40 minutes to complete. **Applications will not be accepted after 4:00pm.** For additional information, please call the Planning and Development Department, Zoning Division 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).

Items must be placed on the plans:

- 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.
- Existing Street Names and Right-of-Way Dimensions
- Access Points/Modifications to Existing Street Improvements
- Lot Dimensions
- Gross Building Area and Floor Area Ratio (F.A.R.) (gross building area to gross site for non-residential)
- Lot Coverage (for nonresidential proposals)
- Total Dwelling Units/Density (residential proposals)
- Height in Stories and Feet
- Setbacks (Building & Landscape)
- Landscape Plan
- Parking required and provided (for other than single-family)
- Project description

ELECTRONIC SUBMITTAL REQUIREMENTS

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

All applicants must submit a copy of the application and all supplemental information in a digital format. The following digital submittal formats are acceptable:

- WORD (.doc) for legal descriptions and text information (**A text version of the legal description is required in a Word document to allow staff to ensure the County formatting requirements are met for recording purposes**);
- PDF for site plans, elevations and aerials;
- GIS Shapefile (preferred) or CAD .dxf depicting all legal descriptions, i.e., areas to be amended and General Plan categories to be changed (must be in North American Datum - NAD_1983_HARN_StatePlane_Arizona_Central_FIPS_0202) so that the shapefile displays in the correct location in the city of Phoenix.

Files must be submitted on a compact disc, and will not be returned to the applicant.

As all application documents are required to be submitted electronically, all subsequent amendments to the application must include a digital submittal.

Incomplete electronic application and/or amendment submittals will result in extended processing and review times, as well as possible delays in scheduling public hearings.

Example of What Not To Submit as a Legal Description

- APN 202-22-014 only (**The APN 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 E R/W L N H/W TH N ALG SD E LN H/W TO N LN SD SEC TH E 1198.05F TO POB & EX TH PT DAF COM N4 COR SEC TH E 131.55F 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's do not have the proper format**)

SECTION 3: OWNERSHIP VERIFICATION

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

This 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 these costs whether or not the request is granted. 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

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 notification has been sent shall be provided to the Planning and Development Department seven (7) business days prior to the Planning Hearing Officer Hearing, along with a list 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 process 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 hearing 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 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, 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 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 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 and Development Department at 602-495-0383.

Sincerely,

(Signature of Applicant)

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



City of Phoenix
PLANNING AND DEVELOPMENT 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
- 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:



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 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**

2011 Tentative PHO Schedule

PHO Hearing Date	Agenda Close Date	Advertising Publish Date	Ratification Date
January 19 (Assembly Room C)	December 3, 2010	December 29	February 16
February 16 (Assembly Room C)	January 7	January 28	March 16
March 16 (Assembly Room C)	February 4	February 25	April 20
April 20 (Assembly Room B)	March 11	April 1	May 18
May 18 (Conference Room 10E)	April 8	April 29	June 15
June 15 (Assembly Room C)	May 6	May 27	July 6
July 20 (Assembly Room C)	June 10	July 1	August 31
August 17 (Assembly Room C)	July 8	July 29	September 21
September 21 (Assembly Room B)	August 5	August 26	October 19
October 19 (Conference Room 10E)	September 9	September 30	November 16
November 16 (Assembly Room C)	October 7	October 28	December 14
December 14 (2 nd Wednesday) (Assembly Room C)	November 4	November 25	January 18, 2012

****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:

3rd Wednesday of the month @ 10:00 a.m.
200 West Washington Street
First Floor, Assembly Room C or B
or Tenth Floor, [Conference Room 10E](#)