

Zoning Information Guide

"Planning with People for a Better Phoenix"



City of Phoenix
PLANNING & DEVELOPMENT 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 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 the Calvin Goode Building. Appeals from the PHO go to the Planning Commission with further appeals to 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 in order to obtain the license. This guide outlines the items that must be completed prior to action by the City Council and the time in which 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 for staff administrative and substantive review timeframes. It also allows for suspension of the review timeframe for a public hearing process. In this case, the time suspension will start when the property is posted by the City of Phoenix for the PHO hearing date.

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) \$1,725 (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 (e.g. wall signs over 56 feet)	\$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. The PHO hearing date may change depending on whether or not a VPC meeting is required. 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 (see Section 6 for sample letter) to property owners, registered neighborhood organizations, and specified individuals that explains the request at least 15 calendar days in advance of any scheduled hearing date. 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, and Village Planning Committee hearing, if applicable. 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 neighborhood organizations registered with the City of Phoenix Neighborhood Services Department within 600-feet of the subject site
- Submitted opposition or spoke in concern at original rezoning hearing or prior PHO action.
- Are listed in a stipulation for notification of subsequent meetings 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 (see Section 6 for sample letter and Section 7 for affidavit of notification).

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 by the City:

- 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 <https://www.phoenix.gov/pdd/pz/pzservices/pho-cases>
- 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 decision is not appealed, the request will be scheduled for City Council ratification or Ordinance adoption within 3 to 4 weeks following the hearing.

PHO Appeal Period: Within (7) calendar days of the Planning Hearing Officer's decision any member of the public may 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.

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

SECTION 2: REQUIRED APPLICATION DOCUMENTS

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

Application Fee (Section 1)

Written Request

The written request must include the following:

- Project background and detailed description of proposal
- Complete text of all stipulations impacted by request for modification or deletion
- Requested wording in a legislative edit format for new, deleted, and/or modified stipulation(s)
- Detailed rationale for each 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 Verification Form (Section 3)

- Please ensure this form is complete and signed.
- 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.

Information Form (Section 4)

Property Information Form (Section 5)

Proposed Site Plan (one – 8.5” x 11” AND two – 24” x 36”)
(see page 4 for submittal checklist)

Proposed Project Elevations (one – 8.5” x 11” AND two – 24” x 36”)
(see page 4 for submittal checklist)

Other Plans/Details (one – 8.5” x 11” AND two – 24” x 36”)
(see page 4 for submittal checklist)

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 for further information)

Property Owner Notification Requirements (Sections 1, 6, and 7)

- Applicant must provide a complete list of required individuals/neighborhood associations at the time of filing the request.

Proposition 207 Waiver

- This form must be signed, notarized and recorded with the Maricopa County Recorder. It must be submitted seven (7) business days prior to the PHO Hearing.

CD with copies of all submittal items (see page 5 for acceptable formats)

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 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).

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 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, as well as delays in scheduling public hearings.

Application Submittals

- PDF files - All documents including application forms, site plans, building elevations, context plans, etc.
- Do not combine documents into one PDF file. Each document 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 regarding 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 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 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. 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: _____

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

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>.

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 at least 15 calendar days in advance of any scheduled hearing date. 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 Organization or 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) 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 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)

Planning Hearing Officer
251 West Washington Street
Phoenix, Arizona, 85003
10th Floor – Coronado Training Room

(Insert Date and Time)

(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/pz/pzservices/pho-cases> 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 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 organizations registered with the City of Phoenix Neighborhood Services Department within 600-feet of the subject site
- Persons 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 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**

2021 PHO Schedule		
PHO Hearing Date*	Agenda Close Date	Ratification Date**
January 20	December 4, 2020	February 17
February 17	December 30, 2020	March 17
March 17	January 29	April 21
April 21	March 5	May 19
May 19	April 2	June 16
June 16	April 30	August 25
July 21	June 4	August 25
August 18	July 2	September 15
September 15	July 30	October 27
October 20	September 3	November 17
November 17	October 1	December 15
December 15	October 29	January 2022

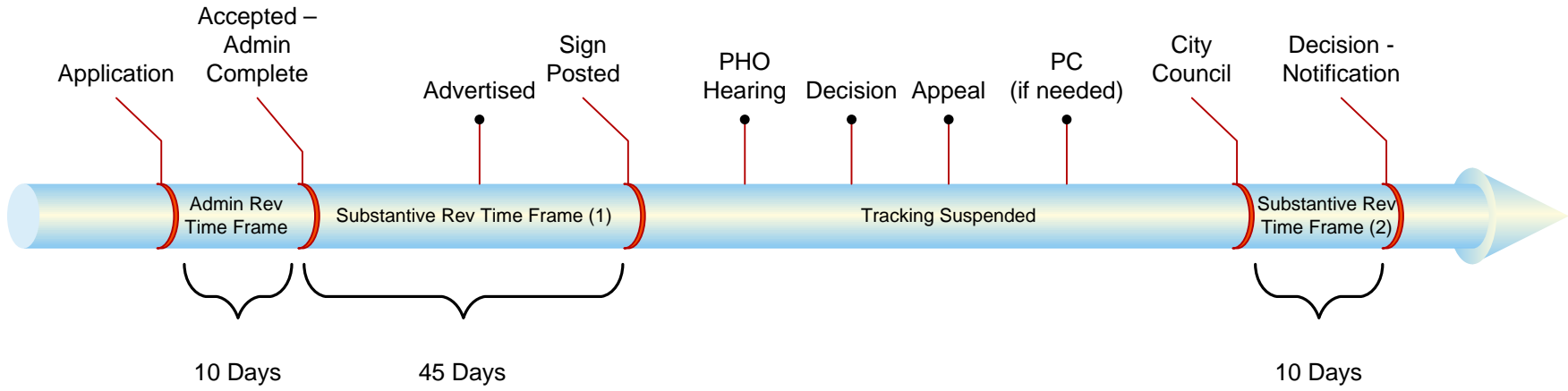
* PHO hearing dates may change depending on whether a Village Planning Committee meeting is required.

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

PHO Hearings take place at the following time and locations:
 3rd Wednesday of the month at 10:00 a.m.
 Calvin Goode Building (CGB) – 10th Floor - Coronado Training Room
 251 W Washington St

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

Public Hearing Officer (PHO) Process – SB1598



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