




City of Phoenix

PLANNING AND DEVELOPMENT DEPARTMENT

To: Alan Stephenson
Deputy City Manager

Date: November 8, 2024

From: Joshua Bednarek 
Planning and Development Director

Subject: ITEM 79 ON THE NOVEMBER 13, 2024, FORMAL AGENDA – PUBLIC HEARING - AMEND CITY CODE - ORDINANCE ADOPTION - REZONING APPLICATION REVIEW TIMEFRAMES AND WRITTEN PROTEST PETITION EXEMPTION - Z-TA-8-24-Y (ORDINANCE G-7320) - CITYWIDE

Item 79, is a request to hold a public hearing on a proposed text amendment Z-TA-8-24-Y and to request City Council approval per the Planning Commission recommendation which amends Chapter 5, Section 506 (Text Amendments and Rezonings) of the Phoenix Zoning Ordinance to address changes to the Arizona Revised Statutes regarding an exemption for government owned properties when processing written protest petitions for the three-fourths votes and rezoning application review time frames (Senate Bill 1162).

The Planning Commission heard the case on November 7, 2024, and recommended approval, per the staff recommendation, by a vote of 9-0.

Staff recommends approval of Z-TA-8-24-Y as shown in the proposed text, per Planning Commission recommendation:

Section 506. Text amendments and rezonings.

A. Amendments.

9. In the event that a written protest against a proposed amendment is filed in the office of the City Clerk, or the City Clerk's designee, no later than seven days following Planning Commission action by the owners of 20 percent or more of the property by area and number of lots, tracts and condominium units within the zoning petition area, EXCLUDING GOVERNMENT OWNED PROPERTY, such amendment shall not become effective except by the favorable vote of three-fourths of all the members of the City Council of the City of Phoenix. If any members of the City Council are unable to vote on any such amendment because of a conflict of interest, then the required number of votes for passage of such amendment shall be three-fourths of the remaining membership of the City Council; provided, that such required number of votes shall not be less than a majority of the full membership of

the City Council. For the purposes of this section, the percentage of the favorable vote shall be rounded to the nearest whole number.

B. Rezoning.

5. REZONING APPLICATIONS. No application for a change of zone shall be set for public hearing until a formal Planning and Development Department review of the application has taken place, ~~and the applicant has submitted all the following materials in a form acceptable to the Planning and Development Department, unless submission of the specific item is waived by the Planning and Development Department.~~
- a. APPLICATION. A REZONING APPLICATION SHALL INCLUDE, BUT NOT BE LIMITED TO, THE ITEMS LISTED BELOW UNLESS WAIVED BY STAFF. ADDITIONAL MATERIALS MAY BE REQUESTED BY STAFF WHEN PERTINENT TO THE REZONING REQUEST:
- a. (1) Legal description.
 - b. (2) ~~Letter of authorization to file.~~ WRITTEN AUTHORIZATION TO FILE FROM PROPERTY OWNER.
 - e. (3) Filing fee.
 - d. (4) Map OR OTHER DOCUMENTATION to include the following:
 - (1) (a) Parcel identification.
 - (2) (b) Existing zoning and uses on-site and adjacent property.
 - (3) (c) Intensity and/or density proposals.
 - (4) (d) Traffic and parking study, if required by Planning and Development Department.
 - (5) (e) Phasing schedule.
 - (6) (f) Statement on conformance to existing adopted City plans.
 - (7) (g) Ownership map of property owners within three hundred feet or nearest residence in all directions. This shall be the most current ownership information

supplied through the Maricopa County Assessor's office.

- (8) (h) Infrastructure: existing and proposed.
- e. (5) Site plan and building elevations.
 - (1) (a) Building configuration and heights.
 - (2) (b) Setbacks.
 - (3) (c) Landscaped areas.
 - (4) (d) Appropriate calculations. e.g., parking, lot coverage.
 - (5) (e) Access points and modifications to existing street improvements.
 - (6) (f) Street names, north point, date, right-of-way.

b. APPLICATION REVIEW PROCESS.

- (1) PRIOR TO SUBMITTING AN APPLICATION FOR REZONING, THE APPLICANT SHALL REQUEST AND ATTEND TWO SEPARATE MEETINGS: A REZONING PRE-APPLICATION MEETING, AND A DEVELOPMENT PRE-APPLICATION MEETING, UNLESS WAIVED BY THE PLANNING DIRECTOR.
- (2) AFTER COMPLETING ANY REQUIRED PRE-APPLICATION MEETINGS, A REZONING APPLICATION MAY BE SUBMITTED WITH APPROPRIATE FEES AS PROVIDED IN APPENDIX A, ZONING FEE SCHEDULE.
- (3) ONCE AN APPLICATION HAS BEEN SUBMITTED, THE ADMINISTRATIVE COMPLETENESS REVIEW PERIOD SHALL BEGIN, WHERE STAFF WILL DETERMINE IF THE APPLICATION INCLUDES ALL REQUIRED INFORMATION.
- (4) ONCE AN APPLICATION HAS BEEN DETERMINED TO BE ADMINISTRATIVELY COMPLETE, THE SUBSTANTIVE REVIEW PERIOD SHALL BEGIN, WHERE STAFF EVALUATE THE REZONING REQUEST AND SET PUBLIC HEARING DATES.
- (5) FOLLOWING THE SUBSTANTIVE REVIEW PERIOD, PUBLIC HEARINGS, UP TO AND INCLUDING CITY

COUNCIL, SHALL BE CONDUCTED AS PROVIDED IN SECTION 506.

c. ADMINISTRATIVE COMPLETENESS REVIEW.

- (1) FOR REZONING APPLICATIONS REQUESTING REZONING TO OR FROM HP, HP-L, OR PUD, OR APPLICATIONS FOR PROPERTIES CURRENTLY DESIGNATED AS HISTORIC ON THE NATIONAL REGISTER OF HISTORIC PLACES, STAFF SHALL REVIEW EACH APPLICATION FOR COMPLETENESS IN THE MANNER OUTLINED IN THE APPLICATION PACKET PUBLISHED ON THE CITY OF PHOENIX WEBSITE.

- (2) FOR ALL OTHER REZONING APPLICATIONS, STAFF SHALL CONDUCT AN ADMINISTRATIVE COMPLETENESS REVIEW AS FOLLOWS:
 - (a) STAFF SHALL CONDUCT THE ADMINISTRATIVE COMPLETENESS REVIEW WITHIN 30 DAYS OF SUBMISSION.

 - (b) IF AN APPLICATION IS NOT ADMINISTRATIVELY COMPLETE, STAFF SHALL PROVIDE THE APPLICANT WITH A NOTICE THAT INCLUDES A COMPREHENSIVE LIST OF THE SPECIFIC DEFICIENCIES.
 - (i) ONCE THE NOTICE IS ISSUED, THE APPLICANT SHALL RESUBMIT THE APPLICATION, ADDRESSING ALL DEFICIENCIES. IF NOT RESUBMITTED WITHIN 15 DAYS OF ISSUANCE OF THE NOTICE, THE APPLICATION MAY BE CONSIDERED VOID AND APPLICATION FEES REFUNDED, MINUS AN ADMINISTRATIVE CHARGE.

 - (ii) FOR A RESUBMITTED APPLICATION, STAFF SHALL CONDUCT ANOTHER ADMINISTRATIVE COMPLETENESS REVIEW WITHIN 15 DAYS OF RECEIPT TO DETERMINE WHETHER ALL DEFICIENCIES HAVE BEEN RESOLVED.

 - (iii) IF A RESUBMITTED APPLICATION IS STILL NOT ADMINISTRATIVELY COMPLETE, STEPS (i) AND (ii) SHALL BE REPEATED UNTIL THE

APPLICATION IS ADMINISTRATIVELY COMPLETE, OR THE APPLICATION IS WITHDRAWN.

(3) WHEN AN APPLICATION IS DEEMED ADMINISTRATIVELY COMPLETE, THE CITY SHALL ISSUE A NOTICE OF ADMINISTRATIVE COMPLETENESS TO THE APPLICANT.

d. SUBSTANTIVE REVIEW. ALL REZONING APPLICATIONS SHALL BEGIN THE SUBSTANTIVE REVIEW PROCESS ONCE DETERMINED TO BE ADMINISTRATIVELY COMPLETE. THE SUBSTANTIVE REVIEW INCLUDES, BUT IS NOT LIMITED TO, THE FOLLOWING:

(1) STAFF EVALUATION OF THE REQUEST RELATED TO ADOPTED CODES, ORDINANCES, AND POLICIES.

(2) NEIGHBORHOOD MEETINGS, IF REQUIRED.

(3) POST-APPLICATION MEETING WITH STAFF, WHERE THE REQUIRED PUBLIC HEARING DATES ARE SET.

(4) REQUIRED PUBLIC NOTIFICATION.

e. APPLICATION REVIEW TIMEFRAMES.

(1) FOR REZONING APPLICATIONS REQUESTING REZONING TO OR FROM HP, HP-L, OR PUD, OR APPLICATIONS FOR PROPERTIES CURRENTLY DESIGNATED AS HISTORIC ON THE NATIONAL REGISTER OF HISTORIC PLACES, THE SUBSTANTIVE REVIEW AND PUBLIC HEARINGS SHALL BE CONDUCTED PER THE TIMEFRAMES OUTLINED IN THE APPLICATION PACKET PUBLISHED ON THE CITY OF PHOENIX WEBSITE.

(2) FOR ALL OTHER REZONING APPLICATIONS, THE SUBSTANTIVE REVIEW SHALL BEGIN A 180-DAY PERIOD WITHIN WHICH THE SUBSTANTIVE REVIEW AND ALL REQUIRED PUBLIC HEARINGS SHALL BE CONDUCTED. THE CITY COUNCIL MUST APPROVE OR DENY AN APPLICATION BEFORE THE END OF THE 180-DAY PERIOD, WITH THE FOLLOWING EXCEPTIONS:

(a) FOR EXTENUATING CIRCUMSTANCES, THE CITY MAY EXTEND THE REVIEW PERIOD ONCE, FOR NOT MORE THAN 30 DAYS.

(b) AT THE REQUEST OF THE APPLICANT, THE CITY
MAY GRANT EXTENSIONS OF THE REVIEW
PERIOD IN INCREMENTS OF 30 DAYS.

- f. ~~At the applicant's request, the formal Planning and Development Department review may be postponed for up to ninety days from the date the application was filed. In the event the applicant is unable to submit the above referenced materials within the ninety day period, the application shall be considered terminated and all fees paid by the applicant shall be forfeited.~~ IN THE EVENT THAT AN APPLICATION IS WITHDRAWN, NO FEES SHALL BE REFUNDED UNLESS OTHERWISE INDICATED BY ADOPTED PLANNING AND DEVELOPMENT DEPARTMENT POLICIES.

Approved:



Alan Stephenson, Deputy City Manager