

REPORT OF PLANNING COMMISSION ACTION
August 3, 2017

ITEM NO: 4	
	DISTRICT NO.:
SUBJECT:	
Application #:	Z-TA-4-17
Request:	Legal Protest
Proposal:	Amend Chapter 5, Section 506 (Text Amendments and rezonings) of the Phoenix Zoning Ordinance to address changes to state statute regarding filing a written protest to require a three-fourths vote (House Bill 2116)
Applicant:	City of Phoenix Planning Commission
Representative:	Planning and Development Department

ACTIONS:

Staff Recommendation: Approval, as shown in Exhibit A.

Village Planning Committee (VPC) Recommendation:
N/A

Planning Commission Recommendation: Approved, per Exhibit A attached to the memo from Racelle Escobar dated August 3, 2017.

Motion discussion: N/A

Motion details – Commissioner Glenn made a MOTION to approve Z-TA-4-17 per Exhibit A attached to the memo from Racelle Escobar dated August 3, 2017.

Maker: Glenn
Second: Heck
Vote: 6-0
Absent: Katsenes and Montalvo
Opposition Present: No

Findings:

1. The proposal will modify the Zoning Ordinance to be consistent with Arizona Revised Statutes regarding filing a written protest.

Proposed Language:

Amend Chapter 5, Section 506 (Text Amendments and rezonings) to read as follows:

A. Amendments.

9. In the event that a written protest against a proposed amendment is filed in the office of ~~the Planning and Development Department~~ or with ~~the City Clerk~~, **OR**

THE CITY CLERK'S DESIGNEE, no later than seven days following Planning Commission action by the owners of twenty percent or more, ~~either of the area of the lots included in such proposed change or of those immediately adjacent in the rear thereof extending one hundred fifty feet therefrom, or of those adjacent to any one side and extending one hundred fifty feet therefrom, or of those directly opposite thereto extending one hundred fifty feet from the street frontage of such opposite lots,~~ OF THE PROPERTY BY AREA AND NUMBER OF LOTS, TRACTS AND CONDOMINIUM UNITS WITHIN THE ZONING PETITION AREA, 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.

A. FOR THE PURPOSES OF THIS SECTION, THE ZONING PETITION AREA INCLUDES BOTH OF THE FOLLOWING:

- 1) THE AREA OF THE PROPOSED AMENDMENT, AND
- 2) THE AREA WITHIN 150 FEET OF THE PROPOSED AMENDMENT, INCLUDING ALL RIGHTS-OF-WAY.

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