



City of Phoenix

PLANNING AND DEVELOPMENT DEPARTMENT

To: City of Phoenix Planning Commission **Date:** August 3, 2017

From: Racelle Escolar
Planner III

Subject: BACK UP TO ITEM 4, Z-TA-4-17 (LEGAL PROTEST)

This memo is to address a minor correction to the proposed language. The state regulation requires that the written protest against a proposed amendment is filed in the office of the Clerk of the municipality, rather than the Planning and Development Department, as outlined in the existing ordinance language. The language in Exhibit A has been revised to comply with the state statute and add a designee. The changes are indicated in bold text.

Staff recommends approval of Z-TA-4-17 as shown in Exhibit A attached to this memo.

Exhibit:

A. Proposed Language

EXHIBIT A
Text Amendment Z-TA-4-17: Legal 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.**