

Section 506.Text amendments and rezonings.

A. Amendments.

1. The provisions of this ordinance may from time to time be amended, supplemented, changed, modified or repealed.
2. Requests to amend this ordinance may be initiated by the City Planning Commission or a real property [owner](#) in the area to be included in the proposed amendment, except that applications to overlay the [Historic Preservation](#) District may be initiated by the property [owner](#), the City Planning Commission, the City Council, or the [Historic Preservation](#) Commission. Applications for amendment shall be made in the office of the City Planning and Development Department on a form provided therefor.
3. Except as provided in section [506.B.3](#) of this section all applications for amendment of this ordinance must first be submitted to the Commission. The Commission shall hold a public hearing in relation to the proposed amendment at which parties in interest and citizens shall have an opportunity to be heard. After such public hearing, the Commission shall make a report and recommendation to the Council. This report shall be made by forwarding the applications for amendment to the Council with the appropriate recommendations, unless the applicant shall request that the application be withdrawn.
4. The date, time and place of such Commission meeting and the nature of the amendment requested shall be published at least once in a newspaper of general circulation in the City of Phoenix at least fifteen days before the hearing. The date, time and place of such meeting and amendment requested shall be posted within the area included in the amendment so as to give at least fifteen days of notice of such Commission hearing. In the case of a continuance, at least seven days' posting is required, but no publication is required. It shall be the responsibility of the applicant to maintain posting once [erected](#). The notice of any change in a residential district shall contain specific information as to whether the change applied for will increase, leave unchanged, or decrease the number of [dwelling units](#) permitted in the area in question.

5. In the event that an application is denied by the City Council or that the application for amendment is withdrawn after the Commission hearing, if required, the Commission shall have the authority to refuse and accept another application for any amendment on the same property or any part thereof, within a year of the date of filing the previous application on the same property or a portion thereof. In the event the application is continued at the request of the applicant, the one year will commence from the date the Planning Commission forwards the application to the City Council with a recommendation for approval or denial.

6. The application for amendment shall be signed by a real property [owner](#) in the area included in the application. In the event that an application filed by a real property [owner](#) in the area involved included property other than that owned by the applicant, then before the application will be accepted for processing, the applicant shall file, on a form provided by the Planning and Development Department, a petition in favor of the request signed by the real property [owners](#) representing at least seventy-five percent of the land area to be included in the application. Said petition shall bear the property [owners'](#) signatures and addresses, the legal description and land area of each property represented on the petition, the total land area represented by the petition, and the total land area of individual properties included in the application.

7. In the event that requests for amendments to the general requirements and uses are made, no petitions or posting shall be required but all other requirements of this section shall be adhered to.

8. If the hearing officer or the Commission, if applicable, shall fail to report on any such amendment within one hundred twenty days after its receipt thereof, such failure shall be deemed to be a recommendation of approval. Acceptance of the complete application pursuant to section [506.B.5](#) is deemed to be the date of receipt.

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.

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](#).

10. City Council may adopt the Planning Commission's recommendations without holding another public hearing unless:

a. A member of the public, the governing body of a municipal corporation having a common boundary with the City of Phoenix, or a member of the Phoenix City Council, within seven calendar days after the Planning Commission announces its recommendation, either:

(1) Objects in writing to adoption of the recommendation without a City Council hearing; or

(2) Requests in writing that a public hearing be held on the proposed amendment; or

b. The Planning Commission has recommended approval of the proposed amendment and a written protest causing a three-fourths vote of City Council has been filed.

11. In the event that a public hearing before City Council is to be held, the date, time and place of such hearing and the nature of the amendment requested shall be published at least once in a newspaper of general circulation in the City of

Phoenix at least fifteen days before the hearing. The date, time and place of such hearing and amendment requested shall be posted within the area included in the amendment so as to give at least fifteen days' notice of such Council hearing. In the case of a continuance, at least seven days posting is required but no publication is required. It shall be the responsibility of the applicant to maintain posting once [erected](#). The notice of any change in residential districts shall contain specific information as to whether the change applied for will increase, leave unchanged, or decrease the number of [dwelling units](#) permitted in the area in question.

12. An application that has been acted upon by the City Council may only be reconsidered if within seven days of the final City Council action a written request for a motion to reconsider is submitted to the City Clerk by an eligible Council member.

B. Rezoning.

1. The City Council may approve a change of zone conditioned upon a schedule for development of the specific use or uses for which rezoning is requested. If at the expiration of this period either (1) a [building permit](#) has not been taken out for the use for which the zoning was conditionally approved or (2) a [building permit](#), active at the end of the stipulated time, expired without issuance of an occupancy permit, an application shall be initiated by the Planning Commission to revert the zoning to its former classification, unless an extension of time has been granted prior to the expiration of the period specified by the schedule of development.

a. When a zoning change is subject to such condition, the official zoning map shall include a notation that the zoning is conditional together with the number of the zoning application file.

b. The City Council may attach conditions to a rezoning request as are necessary to carry out the purposes of the General Plan or other adopted plan(s) and assure compatibility with [adjacent](#) land uses. When a zoning change is subject to a condition, the zoning district map shall include an asterisk or other notation that indicates that the zoning is conditional, together with the number of the zoning application file. Except as modified by action of the City Council, conditions

adopted by ordinance in accordance with prior law shall remain in full force and effect. A violation of any condition shall be considered a violation of this ordinance. The Planning Commission may recommend and the City Council may approve a change of zone conditioned upon one or more of the following:

- (1) Development in accordance with a specific site plan or site plan approval in accordance with section [507.1](#) of this ordinance.
- (2) Reductions in the otherwise applicable [floor area ratio](#), [lot coverage](#), [building height](#), or [density](#).
- (3) Increases in otherwise applicable building [setbacks](#), [lot area](#), parking spaces, landscaping, or open space.
- (4) Public dedication of [rights-of-way](#) as streets, [alleys](#), public ways, drainage and public utilities, and the installation of off-site improvements, as are reasonably required by or related to the effect of the rezoning.

2. Zoning and site plan fees are set forth in an ordinance, a copy of which is on file with the City Clerk and which is available in the Planning and Development Department.

3. There is hereby created in the Planning and Development Department a Planning Hearing Officer. The Planning Hearing Officer shall as a minimum requirement hold a position of Planner III, and shall be under directions of the Planning and Development Director.

a. The Planning Hearing Officer shall:

(1) Hold public hearings on all requests to delete or modify any stipulations imposed as a condition of a zoning change, and consider modifications to comprehensive [sign](#) plans where provided in section [705.F.2](#). The Hearing Officer shall prepare a report which shall include the modification requested, a recommendation, a summary of testimony presented, and the reasoning behind the decision.

(2) Hold public hearings on all applications to revert zoning in accordance with section [506.A.11](#), and shall recommend either:

(a) That the zoning revert to the previous classification;

(b) That the zoning be changed to another classification which has been noticed for hearing;

(c) That the conditional zoning be extended;

(d) That the existing zoning classification be continued without the time condition.

(3) Notice of public hearings held pursuant to this section shall be in accordance with Section [506.A.4](#).

(4) Accomplish all administrative actions necessary to exercise the authority conferred by this section, including the giving of notice, holding hearings, preparing reports, receiving and processing appeals, and accepting and accounting for fees.

b. The City Council may adopt the Hearing Officer's recommendation without holding public hearing, unless a member of the public, or a member of the Planning Commission or City Council, within seven calendar days after the Hearing Officer's recommendation is announced, objects in writing to adoption of the recommendation. Upon the filing of a written objection, a public hearing shall be held:

(1) By the Planning Commission as to stipulations imposed as a condition of a zoning change in regard to which the City Council ratified the recommendations of the Planning Commission or for modification of comprehensive [sign](#) plans as provided;

(2) By the City Council as to stipulations imposed as a condition of a zoning change in regard to which the City Council conducted a public hearing.

c. The City Council may adopt the Planning Commission's recommendations as to appeals from the Planning Hearing Officer in regard to which the Commission has conducted a public hearing unless a member of the public or a member of the City Council, within seven calendar days after the Planning Commission announces its recommendation, objects in writing to adoption of the recommendation.

d. The Planning Hearing Officer shall conduct public hearings and make recommendations in relation to applications to amend this ordinance in accordance with the procedures specified in this section.

4. An applicant for a change of zone may elect to first submit the application to the Zoning Hearing Officer.

a. The Zoning Hearing Officer shall hear such applications in accordance with the notice and hearing procedures specified in this section for the Planning Commission.

b. Except as provided in section [506.B.4.c](#) the City Council may adopt the Zoning Hearing Officer's recommendation without holding a public hearing unless the applicant, or a member of the public within seven days after the Zoning Hearing Officer announces his recommendation, requests in writing that a public hearing be held by the Planning Commission. If so requested, the Planning Commission shall conduct a public hearing in accordance within the notice hearing and appeal procedures specified in this section.

c. An application which has been recommended for approval by the Hearing Officer and for which a Planning Commission hearing has not been requested shall be placed on the next available Planning Commission agenda. Unless the Commission, by a majority vote, decides to conduct a hearing on the application, it shall be placed on the next available City Council agenda for ratification.

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.

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:

(1) Legal description.

(2) Written authorization to file from property [owner](#).

(3) Filing fee.

(4) Map or other documentation to include the following:

- (a) [Parcel](#) identification.
- (b) Existing zoning and uses on site and [adjacent](#) property.
- (c) Intensity and/or [density](#) proposals.
- (d) Traffic and parking study, if required by Planning and Development Department.
- (e) Phasing schedule.
- (f) Statement on conformance to existing adopted City plans.
- (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.
- (h) Infrastructure: existing and proposed.
- (5) Site plan and building elevations.
 - (a) Building configuration and heights.
 - (b) [Setbacks](#).
 - (c) [Landscaped areas](#).
 - (d) Appropriate calculations. e.g., parking, [lot coverage](#).
 - (e) Access points and modifications to existing street improvements.
 - (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 evaluates 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 Time Frames.*

(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 time frames 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. In the event that an application is withdrawn, no fees shall be refunded unless otherwise indicated by adopted Planning and Development Department policies.

6. Before any of the required hearings before the Planning Commission and/or the City Council, any member of the public may express any issues or concerns they may have regarding a rezoning application at meetings of the village planning committee governing the area in which the application is being made, if the rezoning application is on the agenda of such committee. The chairman of the village planning committee may determine the amount of time available for the public to speak. The public may also submit written comments at or in advance of any of the required public hearings to the City of Phoenix Planning and Development Director.

7. In proceedings involving rezoning of land which abuts other municipalities or unincorporated areas of the County or a combination thereof, copies of the notice of public hearing shall be transmitted to the planning agency of such governmental unit abutting such land.

To assist in providing adequate notice to interested parties, the applicant for a rezoning application shall:

a. Within ten working days of filing a rezoning application with the Planning and Development Department, mail a notice by first class mail explaining the request and all appropriate review and comment opportunities to real property owners, as shown on the last assessment of the property, within six hundred feet of the site, the nearest resident within the four quadrants to the site, and to neighborhood associations registered with the City which are within a one-mile radius of the site.

b. Submit a list of the property owners and associations contacted, a copy of the notice sent, and a notarized affidavit stipulating to the mailing to the Planning and Development Department within ten working days of the filing of the zoning application. Planning and Development Department staff may request additional notification by the applicant.

c. Within ten working days of having a post-application meeting on a zoning application with Planning and Development Department staff, mail a second

notice explaining the request and providing the village planning committee meeting date, if applicable, and the first public hearing (Zoning Hearing Officer or Planning Commission) date where the public may comment. The notice shall be mailed by first class mail to real property [owners](#) within six hundred feet of the site, the nearest resident within the four quadrants to the site, and to [neighborhood](#) associations registered with the City which are within a one-mile radius of the site. If submittal information is insufficient or an amendment to the application is needed, a second post-application meeting may be scheduled by Planning and Development Department staff. Staff may require the second letter to be mailed following this latter post-application meeting.

d. Post a single [sign](#) at a prominent location on the subject site prior to the village planning committee meeting, if applicable, or the first public hearing date. The [sign](#) shall be clearly legible and contain the nature of the request, as contained on the formal rezoning application. It shall also include the date, time and place of the village planning committee meeting, if applicable, and the current hearing (Zoning Hearing Officer or Planning Commission). If the application is appealed (to the Planning Commission or City Council) the [sign](#) shall be updated to reflect the new hearing date, time and place. The size, posting date, and format of this [sign](#) shall be as determined by the Planning and Development Department.

e. The applicant shall submit a notarized affidavit stating that the [sign](#) has been posted and a photograph showing the [sign](#) on the site. It shall be the applicant's responsibility to keep the [sign](#) updated and free of graffiti. The applicant shall remove the [sign](#) within seven days of final City Council action.

The failure of any person or entity to receive notice as specified herein shall not constitute grounds to invalidate the amendments for which the notice is given.

8. In proceedings that are not initiated by the property [owner](#) involving rezoning of land which may change the zoning classification, notice by first class mail shall be sent to each real property [owner](#), as shown on the last assessment of the property, of the area to be rezoned and all property [owners](#), as shown on the last assessment of the property, within three hundred feet of the property to be rezoned.

9. In proceedings involving one or more of the following proposed changes or related series of changes in the standards governing land uses, notice shall be provided in the manner prescribed by Section [506.B.9](#) [[506.B.10](#)] of this section.

a. A ten percent or more increase or decrease in the number of square feet or units that may be developed.

b. A ten percent or more increase or reduction in the allowable height of buildings.

c. An increase or reduction in the allowable number of [stories](#) of buildings.

d. A ten percent or more increase or decrease in [setback](#) or open space requirements.

e. An increase or reduction in [permitted uses](#).

10. In proceedings governed by Section [506.B.8](#) [[506.B.9](#)] notice shall be provided to real property [owners](#) pursuant to at least one of the following notification procedures:

a. Notice shall be sent by first class mail to each real property [owner](#), as shown on the last assessment, whose real property is directly governed by changes.

b. Notice of such changes shall be included with water bills or other mailings.

c. Notice of such changes shall be published in the manner provided in Sections [506.A.4](#) and [506.A.11](#) in a "display ad" covering not less than one-eighth of a full page.

11. If notice is provided pursuant to Sections [506.B.9.b](#) and c [[506.B.10.b](#) and [c](#)], notice shall also be sent by first class mail to persons who register their names and addresses with the Planning and Development Department as being interested in receiving such notice. Persons who register shall indicate which zoning districts or sections of the Zoning Ordinance they wish to receive notice regarding proposed changes. A fee of five dollars per year shall be charged for providing this service. The Planning and Development Department shall prescribe forms and procedures to implement this provision.

12. Notwithstanding the notice requirements set forth in Sections [506.B.8](#) [[506.B.9](#)] and [506.B.9](#) [[506.B.10](#)], the failure of any person or entity to receive notice shall not constitute grounds for any court to invalidate the amendments for which the notice is given.

13. **Takings appeal.** An appeal by the [owner](#) of any property which alleges that the adoption or amendment by the City Council of a zoning regulation relating to that [owner's](#) property has created a taking of property in violation of A.R.S. § [9-500.13](#) shall be pursuant to the following procedure:

a. Such appeals shall be filed in writing within thirty days after the City Council has taken final action on the zoning regulation. The appeal shall be filed with the City of Phoenix Planning and Development Director.

b. The City shall submit a takings impact report to the Hearing Officer. The City shall have the burden to establish by a preponderance of evidence that the zoning regulation does not create a taking of the [owner's](#) property in violation of A.R.S. § [9-500.13](#).

c. The Hearing Officer shall schedule a time for the appeal to be heard not later than thirty days after receiving the appeal.

d. The City shall provide the property [owner](#) notice of the takings appeal hearing at least ten days prior to the appeal hearing, unless the property [owner](#) agrees to a shorter notice period.

e. The Hearing Officer shall decide the appeal within five working days after the appeal is heard. If the City did not meet its burden under subsection B above, the Hearing Officer shall transmit a recommendation to the City Council.

f. If the Hearing Officer affirms the zoning regulation, the property [owner](#) who is aggrieved by the decision may file a complaint for a trial de novo in Superior Court on the facts and the law regarding the issues of the zoning regulation within thirty days after the hearing officer has rendered the decision.