

ATTACHMENT A

**THIS IS A DRAFT COPY ONLY AND IS NOT AN OFFICIAL COPY OF THE FINAL,
ADOPTED ORDINANCE**

ORDINANCE G-

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP ADOPTED PURSUANT TO SECTION 601 OF THE CITY OF PHOENIX ZONING ORDINANCE BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCEL DESCRIBED HEREIN (CASE Z-SP-5-23-7) FROM A-1 CMOD (LIGHT INDUSTRIAL DISTRICT, CAPITOL MALL OVERLAY DISTRICT) TO A-1 SP CMOD (LIGHT INDUSTRIAL DISTRICT, SPECIAL PERMIT, CAPITOL MALL OVERLAY DISTRICT).

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PHOENIX, as follows:

SECTION 1. The zoning of a 5.50-acre property located at the southwest corner of 15th Avenue and Jackson Street in a portion of Section 7, Township 1 North, Range 3 East, as described more specifically in Exhibit "A," is hereby changed from "A-1 CMOD" (Light Industrial District, Capitol Mall Overlay District) to "A-1 SP CMOD" (Light Industrial District, Special Permit, Capitol Mall Overlay District) to allow a safe outdoor space / structured campground (homeless shelter).

SECTION 2. The Planning and Development Director is instructed to modify the Zoning Map of the City of Phoenix to reflect this use district classification change as shown in Exhibit "B."

SECTION 3. Due to the site's specific physical conditions and the use district applied for by the applicant, this rezoning is subject to the following stipulations, violation of which shall be treated in the same manner as a violation of the City of Phoenix Zoning Ordinance:

1. The site shall contain a maximum of 200 safe outdoor spaces.
2. The Special Permit shall be removed per Section 504.1.C.2 of the Phoenix Zoning Ordinance three years after the effective date of the ordinance.
3. An Operational Plan shall be developed to govern operational features of the safe outdoor space. The plan shall address at minimum, the following:
 - a. Priority shall be given to unsheltered individuals camping around the Human Services Campus.
 - b. Basic hygiene services shall be provided such as restrooms and showers.
 - c. Supportive services shall be available on site, such as case management.
 - d. On-site security shall be provided 24 hours a day, 7 days a week.
 - e. An email address shall be maintained for surrounding businesses to notify the operator of any potential issues.
 - f. Drugs and/or alcohol are to be prohibited.
 - g. Signage discouraging loitering shall be posted and visible from public rights-of-way. Camping shall be prohibited along the perimeter of the property.
 - h. A code of conduct will be posted on site.
 - i. Trash/recycling receptacles shall be provided within the property boundaries.
4. The operator shall enroll in a virtual block watch program with the City of Phoenix Police Department.

5. The perimeter of the site shall be fenced to secure the site, as approved by the Planning and Development Department.
6. Site lighting shall be provided at building entrances/exits and refuse areas, as approved by the Planning and Development Department.
7. The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping and other incidentals, as per plans approved by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.
8. If determined necessary by the Phoenix Archaeology Office, the applicant shall conduct Phase I data testing and submit an archaeological survey report of the development area for review and approval by the City Archaeologist prior to clearing and grubbing, landscape salvage, and/or grading approval.
9. If Phase I data testing is required, and if, upon review of the results from the Phase I data testing, the City Archaeologist, in consultation with a qualified archaeologist, determines such data recovery excavations are necessary, the applicant shall conduct Phase II archaeological data recovery excavations.
10. In the event archaeological materials are encountered during construction, the developer shall immediately cease all ground-disturbing activities within a 33-foot radius of the discovery, notify the City Archaeologist, and allow time for the Archaeology Office to properly assess the materials.
11. Prior to preliminary site plan approval, the landowner shall execute a Proposition 207 waiver of claims form. The waiver shall be recorded with the Maricopa County Recorder's Office and delivered to the City to be included in the rezoning application file for record. This stipulation shall not be applicable if the property is owned by the City of Phoenix.
12. All safe outdoor spaces (camping spaces) shall be fully shaded by structural shade, except during the fall of 2023 winter of 2023/2024 when there will be construction improvements happening under the existing structural shade canopies.
13. No outdoor fires shall be permitted by anyone residing on the property.
14. The operator shall hold quarterly community outreach meetings to discuss the following:
 - a. Compliance with the rezoning stipulations;
 - b. Number of people served and the outcomes of the services provided;

- c. Any issues/concerns from the community, and how those concerns could be addressed by the operator;
- d. Where and how the City is expanding shelter capacity outside of the immediate area; and
- e. Alternative/future safe outdoor space locations, additional capacity requirements, and additional time needed.

Notification for each meeting shall be sent to all property owners within a half mile and all registered neighborhood associations within one mile of the site.

- 15. The operator shall maintain all on site walkways free from any hazards or accumulation of garbage, debris, rubble, hazardous waste, litter, rubbish, refuse, waste material, or blight.
- 16. Storage space shall be provided for each person/designated safe space area for personal belongings. Bicycle racks shall also be provided on-site for any resident that needs to secure bicycle parking.
- 17. Storage space along the site's perimeter shall be located only along the south and west block walls, and minimized where visible from the streets.
- 18. Bike racks shall be maintained in a neat and orderly manner and located in a secure area in close proximity to the on-site security.
- 19. Prior to operation of a safe outdoor space use, turf shall be installed within the safe outdoor space area (under the shade canopy), and box trees/shrubs shall be placed along the perimeter of the safe outdoor space area.
- 20. The operator shall provide the Operational Plan to all registered neighborhood associations within one mile of the site.

SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof.

PASSED by the Council of the City of Phoenix this 20th day of September, 2023.

MAYOR

ATTEST:

Denise Archibald, City Clerk

APPROVED AS TO FORM:
Julie M. Kriegh, City Attorney

By:

REVIEWED BY:

Jeffrey Barton, City Manager

Exhibits:
A – Legal Description (1 Page)
B – Ordinance Location Map (1 Page)

EXHIBIT A

Within a portion of Section 7, Township 1 North, Range 3 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, being more particularly described as follows:

Lot 9, Block 25 of CAPITOL ADDITION, per map recorded in Book 1, Page 62 of Maps, in the office of the County Recorder of said County.

Lot 10, Block 25, of CAPITOL ADDITION, per map recorded in Book 1, Page 62 of Maps, in the office of the County Recorder of said County.

SUBJECT TO: Existing Taxes, Assessments, Liens, Encumbrances, Conditions, Covenants, Restrictions, Rights of Way and Easements of record.

Lots 1 through 8, and Lots 11 through 30, Block 25, CAPITOL ADDITION, according to the plat of record in the office of the Maricopa County Recorder, in Book 1 of Maps, Page 62.

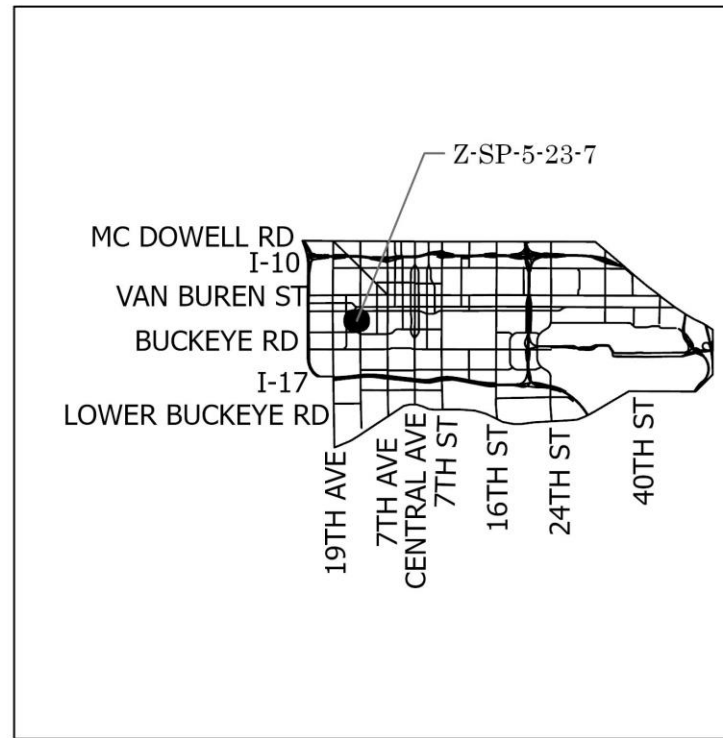
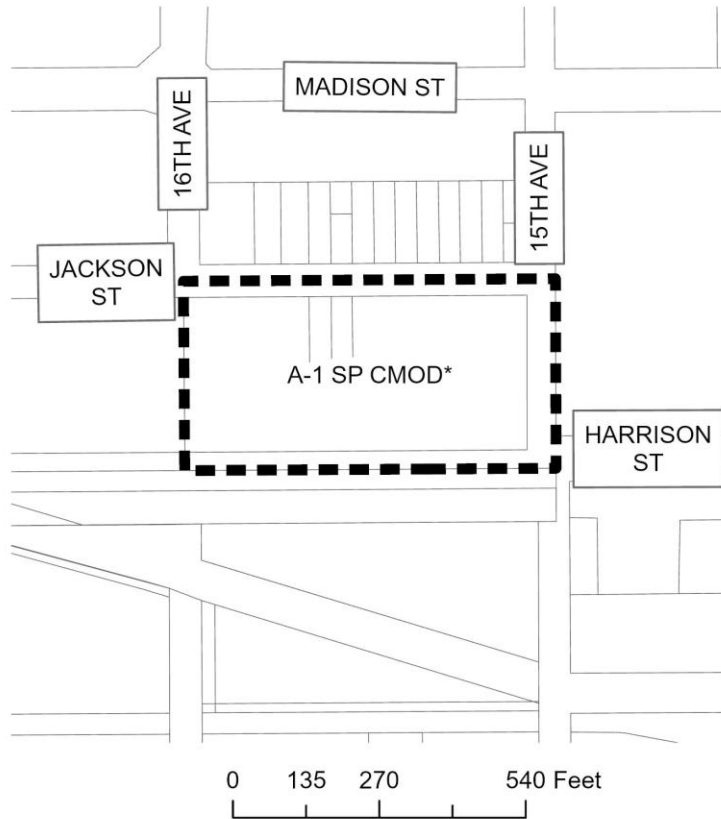
And that portion of 16th Avenue and of Harrison Street lying east of the present center line of 16th Avenue and North of the present center line of Harrison Street, and West of the West line of 15th Avenue.

ORDINANCE LOCATION MAP

EXHIBIT B

ZONING SUBJECT TO STIPULATIONS: *
SUBJECT AREA: ■■■■■

Zoning Case Number: Z-SP-5-23-7
Zoning Overlay: Capital Mall Overlay District
Planning Village: Central City



NOT TO SCALE



Drawn Date: 7/31/2023