

SALT LAKE CITY ORDINANCE

No. \_\_\_\_ of 2024

(An ordinance enacting temporary land use regulations authorizing  
a temporary shelter community use at approximately 255 South 600 West Street)

WHEREAS, Section 10-9a-504 of the Utah Code permits a municipality, without prior consideration of or recommendation from the municipality's planning commission, to enact an ordinance establishing a temporary land use regulations for any part of a municipality if the legislative body makes a finding of a compelling, countervailing public interest; and

WHEREAS, Salt Lake City and the State of Utah are committed to ensuring that persons experiencing homelessness have access to shelter and have been pursuing innovative ways to provide temporary housing options to unsheltered individuals; and

WHEREAS, the State of Utah acquired portable living structures to provide secure and more weather-resistant individual living space to persons experiencing homelessness as part of a temporary shelter community pilot project; and

WHEREAS, the Salt Lake City Redevelopment Agency ("SLCRDA") has committed property it owns at approximately 255 South 600 West Street to host a temporary shelter community during the initial phase of the temporary shelter community pilot project; and

WHEREAS, the State of Utah intends to establish the temporary shelter community on a different property on a longer-term basis, but needs a short period of time in which to continue operations while the new location is prepared; and

WHEREAS, the SLCRDA property at approximately 255 South 600 West Street is zoned G-MU Gateway Mixed Use District, which does not allow a shelter community use; and

WHEREAS, the temporary shelter community use is only intended to be located on the SLCRDA property for approximately 60 days, and making an amendment to the city's land use

regulations and/or zoning map for the proposed short-term use is inconsistent with established long-term planning mechanisms that ordinarily would apply to the SLCRDA property; and

WHEREAS, leaving the portable living structures vacant during this short relocation period is contrary to the State of Utah's investment in the structures and the stability of the housing they offer; and

WHEREAS, temporary land use regulations allowing a temporary shelter community at approximately 255 South 600 West Street on a short-term basis are necessary to implement the initial phase of the pilot project and allow the State of Utah sufficient time to prepare the long-term site; and

WHEREAS, the Salt Lake City Council desires to allow a temporary shelter community use at approximately 255 South 600 West Street for a period not to extend past July 31, 2024 subject to the provisions herein.

NOW, THEREFORE, be it ordained by the City Council of Salt Lake City, Utah:

SECTION 1. Finding of Compelling Countervailing Public Interest. Pursuant to Section 10-9a-504 of the Utah Code, the City Council finds that accommodating a temporary shelter community (as defined below) at approximately 255 South 600 West Street for up to two months in order for the State of Utah to relocate the temporary shelter community to a more appropriate location, without jeopardizing the housing of individuals that would otherwise be unsheltered, constitutes a compelling, countervailing public interests that justifies these temporary land use regulations. The City Council also finds that pursuing innovative solutions to mitigate impacts of homelessness and addressing the issue of individuals camping in public spaces by authorizing a temporary shelter community use at the SLCRDA property at approximately 255 South 600 West Street further justifies these temporary land use regulations.

SECTION 2. Location. These temporary land use regulations shall apply only to SLCRDA-owned property located at approximately 255 South 600 West Street.

SECTION 3. Definitions.

**“Portable living structure”** is an enclosed structure with a footprint no greater than 200 square feet intended to provide temporary living quarters and space to store personal belongings for persons experiencing homelessness and for service provider’s staff. A portable living structure must be constructed with solid walls and a roof that meet applicable snow and wind load ratings, have a lockable door, be collapsible or easily disassembled, and may be no taller than 10 feet. An example of a portable living structure is provided in Exhibit A attached hereto. A portable living structure does not include a tent manufactured for recreational camping, a makeshift tent, a trailer, a manufactured home (as defined in Section 21A.62.040 of the *Salt Lake City Code*), a recreational vehicle, accessory dwelling unit, tiny home, or any other item or structure not similar to the example in Exhibit A.

**“Temporary shelter community”** is a land use that is a grouping of temporary, portable living structures intended to provide shelter for persons experiencing homelessness in a concentrated area on a lot or parcel owned or leased by a governmental entity with the permission of that governmental entity. A temporary shelter community is not a recreational camping use and shall not occur within a public right-of-way.

SECTION 4. Uses Authorized. A temporary shelter community use at the location identified in Section 2 above is hereby authorized subject to the conditions listed in Section 5.

SECTION 5. Conditions. The temporary shelter community use at the location specified in Section 2 is authorized subject to the following:

- a. The portable living structures to be occupied shall meet all building and fire code requirements for such use unless other reasonable means or methods are approved, in writing, by the Fire Marshal and/or the Chief Building Official. A decision on whether a plan for alternative means and methods under this section provides sufficient assurance for life safety protection shall be made in the sole discretion of the Building Official and/or Fire Marshall and shall not be appealable.
- b. A homeless services provider selected to manage the temporary shelter community must provide on-site supervisory staff to coordinate the needs of the persons occupying the portable living structures. The services provider shall staff the temporary shelter community 24 hours per day, seven days per week while these temporary land use regulations are in effect.
- c. The overnight occupancy, including supervisory staff, shall not exceed the occupancy limits identified in a temporary certificate of occupancy issued by the City, but in no case shall the number of overnight occupants exceed 50 individuals, excluding staff. Such temporary certificate of occupancy must be issued prior to any overnight occupancy of the building.
- d. The services provider shall comply with the previously submitted security and operations plan that met the requirements set forth in Subsection 21A.36.350.A.2 of the Salt Lake City Code. In addition to the requirements in that subsection, the security and operations plan addresses the impacts of the

proposed temporary shelter community and identifies actions to mitigate those impacts including, but not limited to:

- i. Employing security personnel 24 hours per day, seven days per week to regularly patrol the premises of that property;
  - ii. Communicating with the Salt Lake City Police Department frequently including coordinating with the SLCPD's use of CompStat information to ensure public nuisance issues are mitigated.
- e. The services provider shall maintain the existing fencing. Installed fencing may be up to 6 feet tall in all areas of the property during the period that this temporary land use is in effect, including required yards, but any fencing that exceeds allowable fence heights or otherwise do not comply with the requirements set forth in Salt Lake City Code Section 21A.40.120 shall be removed by July 31, 2024.
- f. The services provider shall require all patrons of the temporary shelter community to check in and check out and maintain an accurate log of those staying at the facility
- g. Each portable living structure shall accommodate only one person plus any pets.
- h. A maximum of 27 portable living structures may be located on the property described in Section 2 above.

SECTION 6. Duration. This temporary zoning ordinance shall remain in effect until July 31, 2024 unless earlier amended, modified, or repealed.

SECTION 7. Effective Date. After publication, this Ordinance shall take effect on June 1, 2024.

Passed by the City Council of Salt Lake City, Utah this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
CHAIRPERSON

ATTEST:

\_\_\_\_\_  
CITY RECORDER

Transmitted to Mayor on \_\_\_\_\_.

Mayor's Action: \_\_\_\_\_ Approved. \_\_\_\_\_ Vetoed.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CITY RECORDER

(SEAL)

Bill No. \_\_\_\_\_ of 2024.

Published: \_\_\_\_\_.

TSC TLUR 4.12.2024v1

**APPROVED AS TO FORM**  
Salt Lake City Attorney's Office

Date: April 12, 2024

By: Katherine D. Pasker  
Katherine D. Pasker, *Senior City Attorney*