

SALT LAKE CITY ORDINANCE

No. ____ of 2020

(An Ordinance Enacting Temporary Zoning Regulations Authorizing
Overflow Homeless Shelter Use at Approximately 2333 W. North Temple)

WHEREAS, Section 10-9a-504 of the Utah Code permits a municipality, without prior consideration and recommendation from the municipality’s planning commission, to enact a temporary land use regulation for any part or all of a municipality if the governing body makes a finding of compelling countervailing public interest.

WHEREAS, Salt Lake City (“City”), Salt Lake County (“County”), the State of Utah (“State”), and community organizations have worked cooperatively over the past four years to address the rise in numbers of persons experiencing homelessness.

WHEREAS, in 2020, the City, County, and State implemented a new model of multiple dispersed, non-centralized homeless resource centers (“HRCs”) serving the needs of specific populations and co-locating resources within HRCs.

WHEREAS, while the new HRC model was implemented for the first time, the nation, State, and City faced an economic and humanitarian crisis stemming from the global COVID-19 pandemic.

WHEREAS, during this pandemic, the City’s unsheltered population continues to grow due to the affordable housing crisis, economic crisis, and the effects of the pandemic.

WHEREAS the City is committed to ensuring that all people have access to shelter during these winter months when temperatures often dip below freezing during the night in the Salt Lake Valley.

WHEREAS, exposure to extreme cold temperatures can cause death, and in the past has caused deaths among persons experiencing homelessness in Salt Lake City.

WHEREAS, the Salt Lake City Council finds that protecting lives from the potentially deadly consequences of severe winter weather and providing safe, socially distant housing for the City’s unsheltered population during the pandemic constitutes a compelling, countervailing public interest which justifies a temporary land use regulation.

WHEREAS, the City Council intends for this temporary ordinance to be effective only during the 2020-2021 winter season.

WHEREAS, the City Council encourages the State, County, public interest groups, and community organizations to continue to work together with the City to proactively address the effects of rising income inequality and the effects of the pandemic on the unsheltered population.

WHEREAS, the City Council intends to work immediately with the Mayor, pertinent City departments, State, County, and community partners to develop alternatives to an emergency overflow area for next winter.

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 protecting lives from the potentially deadly consequences of severe winter weather and providing safe, socially distant housing for the City's unsheltered population during the pandemic constitutes a compelling, countervailing public interest sufficient to justify these temporary land use regulations.

SECTION 2. Locations. These temporary land use regulations shall apply to the property located at approximately 2333 W. North Temple. Overnight occupancy, including supervisory staff, shall not exceed the amount recommended by the City's Chief Building Official and Fire Marshal, subject to the conditions below.

SECTION 3. Uses Authorized. Temporary overflow homeless shelter at the location identified in Section 2 above is hereby authorized subject to the conditions listed in Section 4.

SECTION 4. Conditions. The structure to be used for a temporary overflow homeless shelter is currently a hotel. In order to operate as a temporary overflow homeless shelter, the hotel shall meet all building codes for such use or submit a plan to the City Building Official to provide alternative means and methods for assuring life safety protection for such building code provisions that cannot reasonably be met in lieu of strict adherence to such building code provisions. 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 shall not be appealable.

SECTION 5. Duration. This temporary zoning ordinance shall remain in effect until April 15, 2021 unless earlier amended, modified, or repealed.

SECTION 6. Effective Date. This ordinance shall become effective on publication.

Passed by the City Council of Salt Lake City, Utah, this _____ day of December 2020.

Chris Wharton, Council Chair

Transmitted to Mayor on _____

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

ATTEST:

Cindy Lou Trishman, City Recorder

(SEAL)

Bill No. _____ of 2020.

Published: _____.

<p>APPROVED AS TO FORM Salt Lake City Attorney's Office</p> <p>Date: _____</p> <p>By: _____ Katherine N. Lewis, <i>Salt Lake City Attorney</i></p>
