



RALPH BECKER
MAYOR

SALT LAKE CITY CORPORATION

OFFICE OF THE MAYOR

CITY COUNCIL TRANSMITTAL

David Everitt, Chief of Staff

Date Received: 12/8/2008
Date sent to Council: 12/8/2008

TO: Salt Lake City Council
Jill Remington-Love, Chair

DATE: December 8, 2003

FROM: David Everitt, Chief of Staff

SUBJECT: Temporary Zoning Regulations to Allow Temporary Overflow Homeless Shelter use at 427 West 200 South *all 12/8/08*

STAFF CONTACT: Paul Nielson, Senior City Attorney
535-7216

DOCUMENT TYPE: Ordinance

RECOMMENDATION: Adoption

BUDGET IMPACT: n/a

BACKGROUND/DISCUSSION:

In the winter months of 1997 through March 1998 there was an Emergency Declaration from the Mayor to allow overnight stays at St. Vincent de Paul Center, The Boxing Building at Liberty Park, Salvation Army and Traveler's Aid Shelter.

This proposed ordinance establishes temporary land use regulations permitting an overflow homeless shelter in places of worship at 427 West 200 South.

PUBLIC PROCESS: n/a

SALT LAKE CITY ORDINANCE
No. _____ of 2008

(An Ordinance Enacting Temporary Zoning Regulations Authorizing
Homeless Shelter Overflow Use at 427 West 200 South)

**An ordinance enacting temporary zoning regulations to allow temporary overflow
homeless shelter use at 427 West 200 South.**

WHEREAS, Section 10-9a-504 of the Utah Code allows cities, without prior consideration and recommendation from the Planning Commission, to enact ordinances establishing temporary land use regulations for any part or all of the City if the Salt Lake City Council (“City Council”) makes a finding of compelling, countervailing public interest; and

WHEREAS, homelessness is a problem faced by most, if not all, major metropolitan areas; and

WHEREAS, according to the Western Regional Climate Center, the average winter month temperature ranges in Salt Lake City are 22.2° F (low) to 38.6° F (high) in December; 20.3° F (low) to 37.5° F (high) in January; and 24.7° F (low) to 43.5° F (high) in February and cold temperatures can extend beyond these months; and

WHEREAS, exposure to extreme cold temperatures can cause death, and in the past has caused death among the homeless in Salt Lake City; and

WHEREAS, during the cold winter months, Salt Lake City homeless shelters frequently do not have sufficient capacity to provide shelter for all who seek refuge from extreme weather conditions; and

WHEREAS, the nation’s current economic and housing crises will likely cause the number of homeless in Salt Lake City to rise; and

WHEREAS, the subject property is situated in the D-3 zoning district, which allows homeless shelters as a conditional use; however, the current time projection for processing a conditional use permit in the City is approximately 4-6 months; and

WHEREAS, the City finds that protecting lives from the potentially deadly consequences of severe winter weather constitutes a compelling, countervailing public interest which justifies a temporary land use regulation; and

WHEREAS, the City Council intends for this temporary ordinance to be effective only for the 2008-2009 winter season, and encourages State and local leadership, public interest groups, community organizations and local businesses to work together to develop solutions to the challenges presented by homelessness, including the housing of homeless persons;

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 expressly finds that the need to protect the homeless from the deadly effects of severe winter weather constitutes a compelling, countervailing public interest sufficient to justify these temporary land use regulations.

SECTION 2. Boundaries. This temporary land use regulation shall apply to the property located at 427 West 200 South.

SECTION 3. Uses Authorized. Temporary overflow homeless shelters in those areas/places identified in Section 2 above are hereby authorized subject to the conditions enumerated below.

SECTION 4. Conditions. Temporary overflow homeless shelter use shall be allowed in those areas/places identified in Section 2 above for the time period specified herein provided that the following conditions are met:

- 1) Structures to be used for temporary overflow homeless shelter use shall meet all building code requirements for such use, or
- 2) For such structures lacking required fire sprinkler systems, the structure shall meet all building code requirements except for installation of fire sprinkler systems provided:
 - a. A night watchman be on duty and awake to observe hazardous and dangerous conditions between the hours of 10:00 p.m. and 7:00 a.m. the following morning, which person shall enforce no smoking requirements of state law;
 - b. Each such location shall have hand-held fire extinguishers on the premises as approved and directed by the Salt Lake City Fire Marshall. All Sleeping areas authorized and employed as emergency shelter for the homeless, under the provisions of this temporary ordinance, shall be so located and maintained as to have an occupancy load of not less than ten (10) square feet per person;
 - c. Aisles, corridors and exits shall be maintained unobstructed for the purpose of egress and ingress to exits;

d. The Salt Lake City Fire Marshall will make every reasonable effort to inspect the temporary overflow homeless shelter(s) identified herein on a weekly basis; or

3) Structures to be used for temporary overflow homeless shelter shall meet all building codes for such use or submit a plan to the City Building Official to provide alternative measures 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. Whether a plan for alternative measures under this subsection 3) may provide sufficient assurance for life safety protection shall be left to the sole decision of the Building Official and shall not be appealable.

SECTION 5. Sunset. This temporary zoning ordinance shall remain in effect until April 15, 2009, unless earlier amended, modified or repealed.

SECTION 7. Effective date. This ordinance shall become effective upon publication.

Passed by the City Council of Salt Lake City, Utah, this _____ day of December, 2008.

CHAIRPERSON

ATTEST:

CITY RECORDER

Transmitted to Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

ATTEST:

CHIEF DEPUTY CITY RECORDER

(SEAL)

Bill No. _____ of 2008.

Published: _____.

HB_ATT#6423-v3-Temporary_Zoning_Regulation_-_Homeless_Shelter_Overflow

APPROVED AS TO FORM
Salt Lake City Attorney's Office
DATE DECEMBER 9, 2008
BY Paul C. Nielson
PAUL C. NIELSON, SR. CITY ATTORNEY

PROCLAMATION NO. 97-1
DECLARING A STATE OF EMERGENCY AND
INVOKING EMERGENCY POWERS PURSUANT
TO SECTION 2.04.030, SALT LAKE CITY CODE

RECORDED

JAN 09 1998

CITY RECORDER

WHEREAS, pursuant to Section 63-5a-6, Utah Code Ann., 1953, the Mayor has the power to proclaim a local emergency; and

WHEREAS, Section 2.04.030, Salt Lake City Code authorizes the Mayor to declare that a state of emergency exists and to invoke certain powers in aid of mitigating and managing such state of emergency; and

WHEREAS, it is estimated that there are approximately 200 homeless people who will be forced to live on the streets of Salt Lake City, if emergency temporary shelters are not found for them during the winter months of 1997 through March 1998; and

WHEREAS, there are insufficient permanent facilities available to house these homeless individuals, but there are temporary facilities available to accommodate them, if certain building code requirements are waived or modified; and

WHEREAS, four such temporary emergency overflow facilities for the homeless have been identified and the owners are willing to accommodate the need for emergency overflow shelter for the homeless, subject to reasonable alternative code requirements; and

WHEREAS, temporary emergency overflow facilities to accommodate the homeless are necessary to protect the life and physical well-being of homeless persons, who would likely be subject to freezing temperatures and other threats to their safety and life during the harsh winter months of 1997 through March 1998; and

WHEREAS, the Mayor has caused the Director of the Department of Community and Economic Development, who has the responsibility for building services and inspections, to review City ordinances applicable to the following identified properties and to identify reasonable supplemental and alternative requirements which would make the emergency temporary locations reasonably safe, when considering the risks faced by the homeless if emergency shelter is not provided; and

WHEREAS, the Mayor has duly balanced the risks; evaluated the proposed locations; and considered alternative substitute requirements to street code compliance;

THEREFORE, BE IT PROCLAIMED by the Mayor of Salt Lake City, Utah, as follows:

1. Declaration. A state of local emergency exists for providing shelter for approximately 200 homeless individuals, during the winter of 1997 through March of 1998.

2. Locations and Conditions. The said emergency requires the non-enforcement of the ordinances as provided in paragraph 3 at the following identified locations in order to make available emergency overflow nighttime sleeping accommodations for the homeless within Salt Lake City, as follows:

A. Travelers Aid Shelter, 210 South Rio Grande, Salt Lake City, Utah 84101. Sixty additional cots or beds may be placed at this location, subject to the general conditions hereinafter enumerated.

B. Salvation Army, 423 West 300 South, Salt Lake City, Utah 84101. Eighty cots may be placed in the dining room area of the facility, subject to the general conditions hereinafter enumerated.

C. St. Vincent de Paul Center, 427 West 200 South, Salt Lake City, Utah 84101. Sixty cots may be placed in the dining room area, subject to the general conditions hereinafter enumerated.

D. The Boxing Building, located on the northeast corner of Liberty Park in Salt Lake City, Utah. This location is to be used only in the event that the Watch Commander of the Salt Lake City Police Department certifies that each of the three temporary emergency overflow areas identified in subparagraph "A," "B" and "C" have reached their maximum capacity and there are still homeless that need shelter.

The occupancy of this facility shall not exceed nineteen persons. However, when the occupancy load of this structure exceeds nine, the sleeping cots will be so maintained and arranged to provide two exits for ingress and egress, with a forty-two inch isle connecting the exits.

3. Code Waiver; General Supplemental Use Conditions. The building and housing, health and zoning codes which are in conflict with the above referenced authorized emergency use are, by this Emergency Declaration, held in abeyance and are not to be enforced or applied against these structures or their owners, when they are used for the purpose of

providing emergency nighttime shelter for homeless persons, subject to the following general conditions and requirements.

A. Each location which lacks a sprinkler system shall maintain a night watch person who shall be awake and on duty to observe hazardous and dangerous conditions between the hours of 10:00 p.m. and 7:00 a.m. the following morning, which person shall have the responsibility to enforce no smoking requirements required by State law.

B. Each location shall have hand-held fire extinguishers located on the premises as approved and directed by the Salt Lake City Fire Marshal. All sleeping areas authorized and employed as emergency shelter for the homeless, under the provisions of this Emergency Declaration, shall be so located and maintained as to have an occupancy load not less than ten square feet per person.

C. Isles, corridors and exits shall be maintained so they remain unobstructed for purpose of ingress and egress to exits.

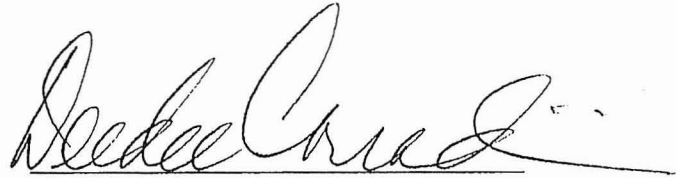
E. The Salt Lake City Fire Marshal will use every reasonable effort to inspect each of the aforementioned emergency overflow shelters on a weekly basis during the duration of this Emergency Declaration.

4. No Special Relationship Created; Expenses. The Emergency Declaration and the obligations and directions taken hereunder and pursuant to this Proclamation are exercised pursuant to the police powers of Salt Lake City. This Declaration is not intended to and shall not be deemed to create any special duty, privilege or relationship with any individual resident, homeless person or property owner in the City.

The City assumes no financial responsibility or obligation for the care, housing or assistance to the homeless. It is understood that all costs will be borne by the property owners or charitable organizations, excepting only the expenses of City administrative salaries.

5. Duration. This Proclamation and emergency shall continue through March 31, 1998, unless earlier terminated by the Mayor in writing.

PROCLAIMED by the Mayor of Salt Lake City, Utah, this 18th day of December, 1997 at 3:00 p.m.


MAYOR

CERTIFICATE OF DISTRIBUTION

STATE OF UTAH)
 : ss.
County of Salt Lake)


On the 9th day of January 1998, ~~December 1997,~~ I personally delivered a copy of this Emergency Declaration to the Mayor and City Council and posted copies of the same in conspicuous view, at the following times and locations within the City & County Building, 451 South State Street, Salt Lake City, Utah:

1. At 3:00 p.m. in the City Recorders Office, Room 415; and
2. At 3:15 p.m. in the Newsroom, Room 315.

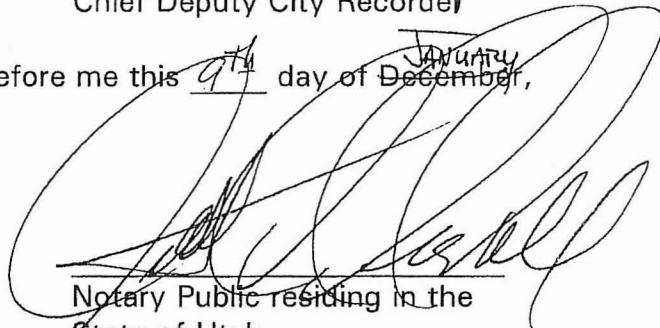
RECORDED

JAN 09 1998

CITY RECORDER


Christine Meeker
Chief Deputy City Recorder

Subscribed and sworn to before me this 9th day of January, ~~December,~~ 1997.


Notary Public residing in the
State of Utah

