

HB0414S01 compared with HB0414

~~{deleted text}~~ shows text that was in HB0414 but was deleted in HB0414S01.

inserted text shows text that was not in HB0414 but was inserted into HB0414S01.

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Representative LaVar Christensen proposes the following substitute bill:

ZONING AMENDMENTS

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: LaVar Christensen

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies provisions relating to municipal and county land use.

Highlighted Provisions:

This bill:

- ▶ addresses residential zoning districts;
- ▶ provides that ~~{under certain circumstances a land use authority shall make written findings when taking action on a land use application from certain residential facilities}~~ a recovery residence shall comply with all generally applicable land use ordinances; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

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Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

10-9a-516, as repealed and reenacted by Laws of Utah 2013, Chapter 309

17-27a-515, as repealed and reenacted by Laws of Utah 2013, Chapter 309

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **10-9a-516** is amended to read:

10-9a-516. Regulation of residential zoning districts and residential facilities for persons with disabilities.

(1) There is a presumption that a zoning district that is primarily for single-family residential use is not an appropriate location for a business, unless the business owner operates the business out of the business owner's primary residence.

(2) A municipality may only regulate a residential facility for persons with a disability to the extent allowed by:

~~[(1)]~~ (a) Title 57, Chapter 21, Utah Fair Housing Act, and applicable jurisprudence;

~~[(2)]~~ (b) the Fair Housing Amendments Act of 1988, 42 U.S.C. Sec. 3601 et seq., and applicable jurisprudence; and

~~[(3)]~~ (c) Section 504, Rehabilitation Act of 1973, and applicable jurisprudence.

(3) ~~{(a)}~~ A ~~{municipality shall comply with Subsection (3)(b) if a}~~ recovery residence, as defined in Section 62A-2-101, ~~{submits a land use application that:~~

~~—— (i) requests a conditional use permit, variance, or zoning change;~~

~~—— (ii) is considered at a}~~ shall comply with all generally applicable land use ordinances, including public hearing ~~{or meeting; and~~

~~—— (iii) involves application of or analysis under:~~

~~—— (A) the Fair Housing Amendments Act of 1988, 42 U.S.C. Sec. 3601 et seq.; or~~

~~—— (B) the Americans with Disabilities Act, 42 U.S.C. Sec. 12101 et seq.~~

~~—— (b) When a land use authority takes action to approve or reject a land use application described in Subsection (3)(a), the land use authority shall issue written findings that address whether the residents of the residential facility:~~

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- ~~(i) claim to have a disability solely on the basis of having been adjudicated a juvenile delinquent, having a criminal record, or being a sex offender;~~
 - ~~(ii) currently use illegal drugs;~~
 - ~~(iii) have been convicted of the manufacture or sale of illegal drugs; or~~
 - ~~(iv) would constitute a direct threat or harm to:~~
 - ~~(A) the health or safety of others; or~~
 - ~~(B) the property of others;~~
- and notice provisions.

Section 2. Section 17-27a-515 is amended to read:

17-27a-515. Regulation of residential zoning districts and residential facilities for persons with disabilities.

(1) There is a presumption that a zoning district that is primarily for single-family residential use is not an appropriate location for a business, unless the business owner operates the business out of the business owner's primary residence.

(2) A county may only regulate a residential facility for persons with a disability to the extent allowed by:

~~(1)~~ (a) Title 57, Chapter 21, Utah Fair Housing Act, and applicable jurisprudence;

~~(2)~~ (b) the Fair Housing Amendments Act of 1988, 42 U.S.C. Sec. 3601 et seq., and applicable jurisprudence; and

~~(3)~~ (c) Section 504, Rehabilitation Act of 1973, and applicable jurisprudence.

(3) ~~(a)~~ A ~~county shall comply with Subsection (3)(b) if a~~ recovery residence, as defined in Section 62A-2-101, ~~submits a land use application that:~~

~~(i) requests a conditional use permit, variance, or zoning change;~~

~~(ii) is considered at a~~ shall comply with all generally applicable land use ordinances, including public hearing ~~or meeting; and~~

~~(iii) involves application of or analysis under:~~

~~(A) the Fair Housing Amendments Act, 42 U.S.C. Sec. 3601 et seq.; or~~

~~(B) the Americans with Disabilities Act, 42 U.S.C. Sec. 12101 et seq.~~

~~(b) When a land use authority takes action to approve or reject a land use application described in Subsection (3)(a), the land use authority shall issue written findings that address whether the residents of the residential facility:~~

~~(i) claim to have a disability solely on the basis of having been adjudicated a juvenile~~

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~~delinquent, having a criminal record, or being a sex offender;~~

~~—— (ii) currently use illegal drugs;~~

~~—— (iii) have been convicted of the manufacture or sale of illegal drugs; or~~

~~—— (iv) would constitute a direct threat or harm to:~~

~~—— (A) the health or safety of others; or~~

~~—— (B) the property of others.~~

Legislative Review Note

Office of Legislative Research and General Counsel; and notice provisions.