

**DENSITY CREDIT FOR LAND DONATED TO
SCHOOL DISTRICT**

2006 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: David N. Cox

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies county and municipal land use provisions.

Highlighted Provisions:

This bill:

▶ prohibits counties and municipalities from failing to approve a subdivision plat for failure to comply with density requirements if the plat includes land that is being donated to a school district for future school building construction and the plat otherwise complies with all applicable requirements.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

10-9a-604.5, Utah Code Annotated 1953

17-27a-604.5, Utah Code Annotated 1953

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

Section 1. Section **10-9a-604.5** is enacted to read:



28 **10-9a-604.5. Plat with land being donated to a school district.**

29 A municipality may not fail to approve a subdivision plat on the ground that it
30 establishes more residential building lots than allowed under the zoning designation applicable
31 to the land described in the plat if:

32 (1) the number of residential building lots conforms to the applicable zoning
33 designation, taking into account all the land described on the plat;

34 (2) the plat includes land that the owner is donating to a school district for the purpose
35 of a future school building that the school district intends to construct;

36 (3) the donated land represents no more than 25% of the total land described on the
37 plat;

38 (4) the school district agrees in writing to construct a school building on the donated
39 land within five years after acquiring the land; and

40 (5) the plat otherwise complies with all applicable requirements of this chapter and
41 municipal ordinances.

42 Section 2. Section **17-27a-604.5** is enacted to read:

43 **17-27a-604.5. Plat with land being donated to a school district.**

44 A county may not fail to approve a subdivision plat on the ground that it establishes
45 more residential building lots than allowed under the zoning designation applicable to the land
46 described in the plat if:

47 (1) the number of residential building lots conforms to the applicable zoning
48 designation, taking into account all the land described on the plat;

49 (2) the plat includes land that the owner is donating to a school district for the purpose
50 of a future school building that the school district intends to construct;

51 (3) the donated land represents no more than 25% of the total land described on the
52 plat;

53 (4) the school district agrees in writing to construct a school building on the donated
54 land within five years after acquiring the land; and

55 (5) the plat otherwise complies with all applicable requirements of this chapter and
56 county ordinances.

Legislative Review Note

as of 1-24-06 2:02 PM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number HB0319

Density Credit for Land Donated to School District

27-Jan-06

2:55 PM

State Impact

No fiscal impact.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst