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**TRANSFER OF DENSITY FROM SCHOOL
DISTRICT PROPERTY**

2007 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Gage Froerer

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies county and municipal land use development and management provisions relating to density transferred from a school district.

Highlighted Provisions:

This bill:

- ▶ defines terms; and
- ▶ prohibits a county or municipality from denying a land use application that includes excess density if the excess density is attributable to density acquired from a school district.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

10-9a-509.5, Utah Code Annotated 1953

17-27a-508.5, Utah Code Annotated 1953

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



28 Section 1. Section **10-9a-509.5** is enacted to read:

29 **10-9a-509.5. Density transferred from a school district.**

30 (1) As used in this section:

31 (a) "Allowed density" means the density allowed under municipal ordinances for a
32 parcel of land according to the zoning designation applicable to the land.

33 (b) "Density" means the number of residential building lots per acre of land.

34 (c) "Excess density" means density that exceeds allowed density.

35 (d) "School density" means the number that is one less than the allowed density that
36 would have applied to school land if:

37 (i) the land were developed as residential rather than for a school building; and

38 (ii) the maximum number of allowable residential building lots were developed.

39 (e) "School land" means a parcel of land owned by a school district on which a school
40 building is built.

41 (f) "Transferred density" means school density that a school district transfers to the
42 owner of another parcel of land within the municipality in which the school land is located.

43 (2) A municipality may not deny a land use application based on excess density if:

44 (a) the application would otherwise be entitled to approval under Section 10-9a-509;

45 and

46 (b) the excess density is:

47 (i) transferred density; and

48 (ii) not more than 50% of the allowed density.

49 Section 2. Section **17-27a-508.5** is enacted to read:

50 **17-27a-508.5. Density transferred from a school district.**

51 (1) As used in this section:

52 (a) "Allowed density" means the density allowed under county ordinances for a parcel
53 of land according to the zoning designation applicable to the land.

54 (b) "Density" means the number of residential building lots per acre of land.

55 (c) "Excess density" means density that exceeds allowed density.

56 (d) "School density" means the number that is one less than the allowed density that
57 would have applied to school land if:

58 (i) the land were developed as residential rather than for a school building; and

59 (ii) the maximum number of allowable residential building lots were developed.

60 (e) "School land" means a parcel of land owned by a school district on which a school
61 building is built.

62 (f) "Transferred density" means school density that a school district transfers to the
63 owner of another parcel of land within the unincorporated area of the county in which the
64 school land is located if the school land is located in the unincorporated area of that county.

65 (2) A county may not deny a land use application based on excess density if:

66 (a) the application would otherwise be entitled to approval under Section 17-27a-508;

67 and

68 (b) the excess density is:

69 (i) transferred density; and

70 (ii) not more than 50% of the allowed density.

Legislative Review Note

as of 1-15-07 10:06 AM

Office of Legislative Research and General Counsel

H.B. 117 - Transfer of Density from School District Property

Fiscal Note

2007 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill may result in some increase to administrative costs for municipalities and school districts to comply with its provisions. There could be some financial incentives to land developers receiving additional density as provided by this bill.

1/24/2007, 10:38:04 AM, Lead Analyst: Wardrop, T.

Office of the Legislative Fiscal Analyst