

Representative Dean Sanpei proposes the following substitute bill:

SINGLE FAMILY ZONING DESIGNATION

2012 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Dean Sanpei

Senate Sponsor: Wayne L. Niederhauser

LONG TITLE

General Description:

This bill amends provisions related to a residential single family designation.

Highlighted Provisions:

This bill:

- ▶ amends the definition of "single-family limit";
- ▶ allows a local government or a potentially aggrieved person to request an advisory opinion on compliance with provisions related to a single family designation; and
- ▶ makes technical corrections.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

10-9a-505.5, as enacted by Laws of Utah 2010, Chapter 352

13-43-205, as last amended by Laws of Utah 2011, Chapters 47 and 385

17-27a-505.5, as enacted by Laws of Utah 2010, Chapter 352



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

27 Section 1. Section **10-9a-505.5** is amended to read:

28 **10-9a-505.5. Limit on single family designation.**

29 (1) As used in this section, "single-family limit" means the number of unrelated
30 individuals allowed to occupy [a] each residential unit that is recognized by a land use
31 authority in a zone permitting occupancy by a single family.

32 (2) A municipality may not adopt a single-family limit that is less than:

33 (a) three, if the municipality has within its boundary:

34 (i) a state university; or

35 (ii) a private university with a student population of at least 20,000; or

36 (b) four, for each other municipality.

37 Section 2. Section **13-43-205** is amended to read:

38 **13-43-205. Advisory opinion.**

39 A local government or a potentially aggrieved person may, in accordance with Section
40 13-43-206, request a written advisory opinion:

41 (1) from a neutral third party to determine compliance with:

42 (a) Section 10-9a-505.5 and Sections 10-9a-507 through 10-9a-511;

43 (b) Section 17-27a-505.5 and Sections 17-27a-506 through 17-27a-510; and

44 (c) Title 11, Chapter 36a, Impact Fees Act; and

45 (2) (a) at any time before a final decision on a land use application by a local appeal
46 authority under Section 10-9a-708 or 17-27a-708; or

47 (b) at any time before the deadline for filing an appeal with the district court under
48 Section 10-9a-801 or 17-27a-801, if no local appeal authority is designated to hear the issue
49 that is the subject of the request for an advisory opinion.

50 Section 3. Section **17-27a-505.5** is amended to read:

51 **17-27a-505.5. Limit on single family designation.**

52 (1) As used in this section, "single-family limit" means the number of unrelated
53 individuals allowed to occupy [a] each residential unit that is recognized by a land use
54 authority in a zone permitting occupancy by a single family.

55 (2) A county may not adopt a single-family limit that is less than:

56 (a) three, if the county has within its unincorporated area:

- 57 (i) a state university; or
- 58 (ii) a private university with a student population of at least 20,000; or
- 59 (b) four, for each other county.