

1 **DENSITY BONUS FOR DONATIONS FOR SCHOOL**
2 **PROPERTY**

3 2019 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Jefferson Moss**

6 Senate Sponsor: _____

7
8 **LONG TITLE**

9 **General Description:**

10 This bill enacts land use provisions that allow for a density bonus in cases of certain
11 donations for school property.

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ defines terms;
- 15 ▶ enacts provisions allowing a density bonus on a property owner's subdivision plat
16 when the property owner donates land or money for a school building;
- 17 ▶ provides for the management of money that a property owner donates for the
18 purchase of land for construction of a school building;
- 19 ▶ provides for the temporary use of land that a property owner donates for the
20 construction of a school building until the construction; and
- 21 ▶ allows county and municipal legislative bodies to determine the location of a school
22 building on land that is the subject of a donation in certain circumstances.

23 **Money Appropriated in this Bill:**

24 None

25 **Other Special Clauses:**

26 None

27 **Utah Code Sections Affected:**



28 ENACTS:

29 10-9a-604.6, Utah Code Annotated 1953

30 17-27a-604.6, Utah Code Annotated 1953

31

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

33 Section 1. Section **10-9a-604.6** is enacted to read:

34 **10-9a-604.6. Plat with land being donated to a school district.**

35 (1) As used in this section:

36 (a) "Density bonus" means an allowed number of residential units per acre established
37 in a subdivision plat that exceeds the number otherwise allowed under the zoning designation
38 applicable to the land the subdivision plat describes.

39 (b) "Donation" means a property owner's:

40 (i) transfer of title to land to a municipality for a future school building in the school
41 district; or

42 (ii) gift of money to a school district for the purchase of land within the relevant
43 municipality for a future school building in the school district.

44 (c) "Municipality" means the city, town, or metro township in which land is located
45 that is the subject of a subdivision plat for which a property owner seeks approval.

46 (d) "Property owner" means the owner or developer of a land that is the subject of a
47 subdivision plat for which the property owner seeks approval.

48 (e) "School building" means all educational facilities associated with a school.

49 (f) "School district" means the school district with boundaries in which the land that is
50 the subject of a subdivision plat is located.

51 (2) A municipal land use authority may approve a subdivision plat that establishes a
52 density bonus if:

53 (a) the subdivision plat otherwise complies with all applicable requirements of this
54 chapter and the municipality's ordinances; and

55 (b) the property owner makes a donation that is acceptable to the municipality and the
56 school district.

57 (3) The density bonus described in Subsection (2) may not exceed 10% of the number
58 of residential units per acre allowed under the zoning designation applicable to the land the

59 subdivision plat describes.

60 (4) If the donation described in Subsection (2) consists of money paid to the school
61 district, the relevant school district shall:

62 (a) place the money in a separate interest-bearing account;

63 (b) manage the money in the account; and

64 (c) use the money exclusively for the purchase of land within the municipality for
65 construction of a school building.

66 (5) (a) If the donation described in Subsection (2) consists of land to a municipality:

67 (i) the municipality shall:

68 (A) require the property owner to transfer the title to the land to the municipality; and

69 (B) except as provided in Subsection (5)(b), upon the request of and at no charge to the
70 school district, transfer title to the land to the school district for construction of a school
71 building;

72 (ii) the municipality may, until the land is transferred to the school district as provided
73 in Subsection (5)(a)(i), use the land for:

74 (A) open space;

75 (B) a public park or recreational facility;

76 (C) an agricultural purpose;

77 (D) a parking lot or parking facility; or

78 (E) a temporary commercial activity that is consistent with the municipality's land use
79 ordinances; and

80 (iii) the municipality may, at any time, transfer to the school district title to the land at
81 no charge to the school district for the construction of a school building.

82 (b) Notwithstanding Subsection (5)(a)(i)(B), if land described in Subsection (5)(a) is
83 not used for the construction of a school building within 10 years after the day on which the
84 property owner donates the land, the municipality may retain and use the land for a purpose
85 described in Subsection (5)(a)(ii) if the municipality gives written notice to the school district
86 at least 180 days before the expiration of the 10-year period that the municipality intends to
87 retain the land.

88 (6) The municipality's legislative body may determine the location of the school site on
89 land that is the subject of a donation under this section if:

90 (a) the municipality indicates the location of the school site on the municipality's
91 general plan; and

92 (b) the municipality obtains the school district's written acknowledgment of the site.

93 Section 2. Section **17-27a-604.6** is enacted to read:

94 **17-27a-604.6. Plat with land being donated to a school district.**

95 (1) As used in this section:

96 (a) "Density bonus" means an allowed number of residential units per acre established
97 in a subdivision plat that exceeds the number otherwise allowed under the zoning designation
98 applicable to the land the subdivision plat describes.

99 (b) "Donation" means a property owner's:

100 (i) transfer of title to land to a municipality for a future school building in the school
101 district; or

102 (ii) gift of money to a school district for the purchase of land within the relevant
103 municipality for a future school building in the school district.

104 (c) "Property owner" means the owner or developer of land that is the subject of a
105 subdivision plat for which the property owner seeks approval.

106 (d) "School building" means all educational facilities associated with a school.

107 (e) "School district" means the school district with boundaries in which the land that is
108 the subject of a subdivision plat is located.

109 (2) A county land use authority may approve a subdivision plat that establishes a
110 density bonus if:

111 (a) the subdivision plat otherwise complies with all applicable requirements of this
112 chapter and the municipality's ordinances; and

113 (b) the property owner makes a donation that is acceptable to the municipality and the
114 school district.

115 (3) The density bonus described in Subsection (2) may not exceed 10% of the number
116 of residential units per acre allowed under the zoning designation applicable to the land the
117 subdivision plat describes.

118 (4) If the donation described in Subsection (2) consists of money paid to the school
119 district, the relevant school district shall:

120 (a) place the money in a separate interest-bearing account;

- 121 (b) manage the money in the account; and
122 (c) use the money exclusively for the purchase of land within the county for
123 construction of a school building.
- 124 (5) (a) If the donation described in Subsection (2) consists of land to a county:
125 (i) the county shall:
126 (A) require the property owner to transfer the title to the land to the county; and
127 (B) except as provided in Subsection (5)(b), upon the request of and at no charge to the
128 school district, transfer title to the land to the school district for construction of a school
129 building;
- 130 (ii) the county may, until the land is transferred to the school district as provided in
131 Subsection (5)(a)(i), use the land for:
132 (A) open space;
133 (B) a public park or recreational facility;
134 (C) an agricultural purpose;
135 (D) a parking lot or parking facility; or
136 (E) a temporary commercial activity that is consistent with the county's land use
137 ordinances; and
- 138 (iii) the county may, at any time, transfer to the school district title to the land at no
139 charge to the school district for the construction of a school building.
- 140 (b) Notwithstanding Subsection (5)(a)(i)(B), if land described in Subsection (5)(a) is
141 not used for the construction of a school building within 10 years after the day on which the
142 property owner donates the land, the county may retain and use the land for a purpose
143 described in Subsection (5)(a)(ii) if the county gives written notice to the school district at least
144 180 days before the expiration of the 10-year period that the county intends to retain the land.
- 145 (6) The county's legislative body may determine the location of the school site on land
146 that is the subject of a donation under this section if:
147 (a) the county indicates the location of the school site on the county's general plan; and
148 (b) the municipality obtains the school district's written acknowledgment of the site.