

Senator Wayne L. Niederhauser proposes the following substitute bill:

HISTORICAL DISTRICT CREATION REQUIREMENTS

2012 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Wayne L. Niederhauser

House Sponsor: Brian S. King

LONG TITLE

General Description:

This bill amends provisions related to municipal land use provisions and historic districts or areas.

Highlighted Provisions:

This bill:

- ▶ prohibits a city of the first class in a county of the first class from establishing, in certain circumstances, a local historic district or area before May 14, 2013;
- ▶ prohibits a municipality from reviewing a land use application in certain circumstances; and
- ▶ makes technical corrections.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

10-9a-503, as last amended by Laws of Utah 2011, Chapter 224



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

27 Section 1. Section **10-9a-503** is amended to read:

28 **10-9a-503. Land use ordinance or zoning map amendments -- Limited**
29 **prohibition on designation of historic district or area.**

30 (1) The legislative body may amend:

31 (a) the number, shape, boundaries, or area of any zoning district;

32 (b) any regulation of or within the zoning district; or

33 (c) any other provision of a land use ordinance.

34 (2) The legislative body may not make any amendment authorized by this section

35 unless the amendment was proposed by the planning commission or was first submitted to the
36 planning commission for its recommendation.

37 (3) The legislative body shall comply with the procedure specified in Section

38 10-9a-502 in preparing and adopting an amendment to a land use ordinance or a zoning map.

39 (4) (a) Notwithstanding Subsection (1), on or after May 10, 2011, and before [~~May 8,~~
40 ~~2012~~] May 14, 2013, within an area designated on the National Register of Historic Places that
41 has on or before March 1, 2011, a land use application pending to designate the area as a local
42 historic district or area, the legislative body of a city of the first class in a county of the first
43 class may not:

44 (i) establish the local historic district or area;

45 (ii) adopt or amend a land use ordinance affecting the area except as provided in
46 Subsection (4)(c); and

47 (iii) authorize a demolition permit for more than 75% of the above grade area of any
48 structure on property located within the area.

49 (b) A land use application in an area subject to Subsection (4)(a):

50 (i) shall be stayed from any further proceedings conducted by the municipality before
51 [~~May 9, 2012~~] May 15, 2013; and

52 (ii) is not subject to Section 10-9a-509 or 10-9a-509.5.

53 (c) The provisions of this Subsection (4) do not apply to an adopted or amended land
54 use ordinance applicable generally throughout a municipality unless the ordinance is enacted to
55 contravene the purpose of this Subsection (4)(a).