

Representative Brad R. Wilson proposes the following substitute bill:

LOCAL HISTORIC DISTRICT AMENDMENTS

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Brad R. Wilson

Senate Sponsor: J. Stuart Adams

LONG TITLE

General Description:

This bill modifies the Municipal Land Use, Development, and Management Act.

Highlighted Provisions:

This bill:

▶ addresses the process by which a municipality may create a local historic district or area.

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 2012, Chapter 195

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

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

10-9a-503. Land use ordinance or zoning map amendments -- Historic district or area.



26 (1) The legislative body may amend:
27 (a) the number, shape, boundaries, or area of any zoning district;
28 (b) any regulation of or within the zoning district; or
29 (c) any other provision of a land use ordinance.
30 (2) The legislative body may not make any amendment authorized by this section
31 unless the amendment was proposed by the planning commission or was first submitted to the
32 planning commission for its recommendation.

33 (3) The legislative body shall comply with the procedure specified in Section
34 10-9a-502 in preparing and adopting an amendment to a land use ordinance or a zoning map.

35 ~~[(4) (a) Notwithstanding Subsection (1), on or after May 10, 2011, and before May 14,~~
36 ~~2013, within an area designated on the National Register of Historic Places that has on or~~
37 ~~before March 1, 2011, a land use application pending to designate the area as a local historic~~
38 ~~district or area, the legislative body of a city of the first class in a county of the first class may~~
39 ~~not:]~~

40 ~~[(i) establish the local historic district or area;]~~

41 ~~[(ii) adopt or amend a land use ordinance affecting the area except as provided in~~
42 ~~Subsection (4)(c); and]~~

43 ~~[(iii) authorize a demolition permit for more than 75% of the above grade area of any~~
44 ~~structure on property located within the area.]~~

45 ~~[(b) A land use application in an area subject to Subsection (4)(a):]~~

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

48 ~~[(ii) is not subject to Section 10-9a-509 or 10-9a-509.5.]~~

49 ~~[(c) The provisions of this Subsection (4) do not apply to an adopted or amended land~~
50 ~~use ordinance applicable generally throughout a municipality unless the ordinance is enacted to~~
51 ~~contravene the purpose of this Subsection (4)(a).]~~

52 (4) (a) As used in this subsection, "local historic district or area" means a
53 geographically or thematically definable area that contains any combination of buildings,
54 structures, sites, objects, landscape features, archeological sites, or works of art that contribute
55 to the historic preservation goals of a legislative body.

56 (b) If a municipality provides a process by which one or more residents of the

57 municipality may initiate the creation of a local historic district or area, the process shall
58 require that:

59 (i) more than 33% of the property owners within the boundaries of the proposed local
60 historic district or area agree in writing to the creation of the proposed local historic district or
61 area;

62 (ii) before any property owner agrees to the creation of a proposed local historic district
63 or area under Subsection (4)(b)(i), the municipality prepare and distribute to each property
64 owner within the boundaries of the proposed local historic district or area, a neutral
65 information pamphlet that:

66 (A) describes the process to create a local historic district or area; and

67 (B) lists the pros and cons of a local historic district or area;

68 (iii) after the property owners satisfy the requirement described in Subsection (4)(b)(i),
69 the municipality provide each property owner within the boundaries of the proposed local
70 historic district or area another copy of the neutral information pamphlet described in
71 Subsection (4)(b)(ii) and a public support ballot that, subject to Subsection (4)(c), allows the
72 property owner to vote in favor or against the creation of the local historic district or area;

73 (iv) in a vote described in Subsection (4)(b)(iii), at least two-thirds of the returned
74 public support ballots, representing at least 50% of the parcels and units, as defined in Section
75 57-8-3, within the proposed local historic district or area, reflect a vote in favor of the creation
76 of the local historic district or area;

77 (v) if a local historic district or area proposal fails in a vote described in Subsection
78 (4)(b)(iii), the legislative body of the municipality may override the vote and create the
79 proposed local historic district or area with an affirmative vote of two-thirds of the members of
80 the legislative body; and

81 (vi) if a local historic district or area proposal fails in a vote described in Subsection
82 (4)(b)(iii) and the legislative body of the municipality does not override the vote under
83 Subsection (4)(b)(v), a resident may not initiate the creation of a local historic district or area
84 that includes more than 50% of the same property as the failed local historic district or area
85 proposal for four years after the day on which the vote described in Subsection (4)(b)(iii) takes
86 place.

87 (c) In a vote described in Subsection (4)(b)(iii):

- 88 (i) a property owner may vote regardless of whether the property owner is an
89 individual, a private entity, or a public entity;
- 90 (ii) the municipality shall count no more than one public support ballot for:
91 (A) each parcel within the boundaries of the proposed local historic district or area; or
92 (B) if the parcel contains a condominium project, as defined in Section 57-8-3, each
93 unit, as defined in Section 57-8-3, within the boundaries of the proposed local historic district
94 or area; and
- 95 (iii) if a parcel has more than one owner of record, the municipality shall count a public
96 support ballot for the parcel only if the public support ballot reflects the vote of the property
97 owners who own a majority interest in the parcel.
- 98 (d) The requirements described in this Subsection (4) apply to the creation of a local
99 historic district or area that is:
- 100 (i) initiated in accordance with a municipal process described in Subsection (4)(b); and
101 (ii) not complete on or before January 1, 2016.