

**Representative Michael T. Morley** proposes the following substitute bill:

**HISTORIC AREAS OR SITES AMENDMENTS**

2011 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Wayne L. Niederhauser**

House Sponsor: Christopher N. Herrod

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**LONG TITLE**

**General Description:**

This bill enacts language 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 a local historic district or area in certain circumstances;
- ▶ 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 renumbered and amended by Laws of Utah 2005, Chapter 254

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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 ~~[subsection]~~  
35 section unless the amendment was proposed by the planning commission or was first submitted  
36 to the 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, within an area designated on the National Register of Historic Places that has on or  
41 before March 1, 2011, a land use application pending to designate the area as a local historic  
42 district or area, the legislative body of a city of the first class in a county of the first class may  
43 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; and

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

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

# FISCAL NOTE

S.B. 243 1st Sub. (Green)

SHORT TITLE: **Historic Areas or Sites Amendments**

SPONSOR: **Niederhauser, W.**

2011 GENERAL SESSION, STATE OF UTAH

STATE GOVERNMENT (UCA 36-12-13(2)(b))

Enactment of this bill likely will not materially impact the state budget.

LOCAL GOVERNMENTS (UCA 36-12-13(2)(c))

Enactment of this bill likely will not result in direct, measurable costs for local governments.

DIRECT EXPENDITURES BY UTAH RESIDENTS AND BUSINESSES (UCA 36-12-13(2)(d))

Enactment of this bill likely will not result in direct, measurable expenditures by Utah residents or businesses.