

HISTORIC AREAS OR SITES AMENDMENTS

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Wayne L. Niederhauser

House Sponsor: Christopher N. Herrod

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

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 -- Limited 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 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).