

SB0243S01 compared with SB0243

~~{deleted text}~~ shows text that was in SB0243 but was deleted in SB0243S01.

inserted text shows text that was not in SB0243 but was inserted into SB0243S01.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will not be completely accurate. Therefore, you need to read the actual bill. This automatically generated document could experience abnormalities caused by: limitations of the compare program; bad input data; the timing of the compare; and other potential causes.

Senator Wayne L. Niederhauser 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

LONG TITLE

General Description:

This bill ~~{amends provisions authorizing a municipality or a county to establish an historic area or site}~~ enacts language related to municipal land use provisions and historic districts or areas.

Highlighted Provisions:

This bill:

- ▶ ~~{amends provisions authorizing}~~ 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 ~~{or}~~ from reviewing a ~~{county to establish an historic area or site}~~ land use application in certain circumstances; and
- ▶ makes technical corrections.

Money Appropriated in this Bill:

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None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

~~{10-8-85.9}~~10-9a-503, as ~~{enacted}~~renumbered and amended by Laws of Utah

~~{2008}~~2005, Chapter ~~{360}~~

~~17-50-326~~, as enacted by Laws of Utah 2008, Chapter 360~~}~~254

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

Section 1. Section ~~{10-8-85.9}~~10-9a-503 is amended to read:

~~{~~~~10-8-85.9. Preservation of historical areas and sites -- Moratorium.~~

~~— [A] (1) Subject to Subsection (2), a municipality may:~~

~~— [(1)] (a) expend public funds to preserve, protect, or enhance an historical area or site;~~

~~— [(2)] (b) acquire an historical area or site by direct purchase, contract, lease, trade, or gift;~~

~~— [(3)] (c) obtain an easement or right-of-way across public or private property to ensure access or proper development of an historical area or site;~~

~~— [(4)] (d) protect an historical area or site;~~

~~— [(5)] (e) ensure proper development and utilization of land or an area adjacent to an historical area or site; and~~

~~— [(6)] (f) enter into an agreement with a private individual for the right to purchase an historical area or site if and when the private individual elects to sell or dispose of the owner's property.~~

~~— (2) A municipality may not:~~

~~— (a) designate an historical area or site on or after May 10, 2011, and before May 8, 2012; or~~

~~— (b) exercise an authority or an action described in Subsection (1), unless the authority or action is for an historical area or site established before May 10, 2011, or on or after May 8, 2012.~~

~~}~~ **10-9a-503. Land use ordinance or zoning map amendments -- Limited**

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prohibition on designation of historic district or area.

(1) The legislative body may amend:

- (a) the number, shape, boundaries, or area of any zoning district;
- (b) any regulation of or within the zoning district; or
- (c) any other provision of a land use ordinance.

(2) The legislative body may not make any amendment authorized by this ~~[subsection]~~ section unless the amendment was proposed by the planning commission or was first submitted to the planning commission for its recommendation.

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

~~{Section 2. Section 17-50-326 is amended to read:~~

~~———— 17-50-326. Preservation of historical areas and sites -- Moratorium.~~

~~———— [A] (1) Subject to Subsection (2), a county may:~~

~~———— [(1)] (a) expend public funds to preserve, protect, or enhance an historical area or site;~~

~~———— [(2)] (b) acquire an historical area or site by direct purchase, contract, lease, trade, or gift;~~

~~———— [(3)] (c) obtain an easement or right-of-way across public or private property to ensure access or proper development of an historical area or site;~~

~~———— [(4)] (d) protect an historical area or site;~~

~~———— [(5)] (e) ensure proper development and utilization of land or an area adjacent to an historical area or site; and~~

~~———— [(6)] (f) enter into an agreement with a private individual for the right to purchase an historical area or site if and when the private individual elects to sell or dispose of the owner's property:~~

~~———— (2) A county may not:~~

~~———— (a) designate an historical area or site;~~ (4) (a) Notwithstanding Subsection (1), on or after May 10, 2011, and before May 8, 2012, ~~or~~

~~———— (b) exercise an authority or an action described;~~ within an area designated on the National Register of Historic Places that has on or before March 1, 2011, a land use application pending to designate the area as a local historic district or area, the legislative body of a city of the first class in a county of the first class may not:

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(i) establish the local historic district or area;

(ii) adopt or amend a land use ordinance affecting the area except as provided in

Subsection (1), unless the authority or action is for an historical area or site established before May 10, 2011, or on or after May 8, 2012.

Legislative Review Note

as of 1-31-11 4:24 PM

Office of Legislative Research and General Counsel; 4)(c); and

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

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

(i) shall be stayed from any further proceedings conducted by the municipality before May 9, 2012; and

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

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