

**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

---

---

*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 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).