

57 legislative body.

58 (iii) "Unit" means the same as that term is defined in Section 57-8-3.

59 (b) If a municipality provides a process by which one or more residents of the
60 municipality may initiate the creation of a local historic district or area, the process shall
61 require that:

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

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

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

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

71 (iii) after the property owners satisfy the requirement described in Subsection (4)(b)(i),
72 for each parcel or, if the parcel contains a condominium project, each unit, within the
73 boundaries of the proposed local historic district or area, the municipality provide:

74 (A) a second copy of the neutral information pamphlet described in Subsection
75 (4)(b)(ii); and

76 (B) one public support ballot that, subject to Subsection (4)(c), allows the owner or
77 owners of record to vote in favor of or against the creation of the proposed local historic district
78 or area;

79 (iv) in a vote described in Subsection (4)(b)(iii)(B), ~~at least two-thirds of~~ the
79a returned

80 public support ballots ~~representing at least 50% of the parcels and units within the proposed~~

81 ~~local historic district or area;~~ that reflect a vote in favor of the creation of the proposed local
81a historic

82 district or area ~~at least two-thirds of~~ :

82a (A) equal at least two-thirds of the returned public support ballots; ~~at least two-thirds of~~ and

82b (B) represent more than 50% of the parcels and units within the proposed local historic
82c district or area; ~~at least two-thirds of~~

83 (v) if a local historic district or area proposal fails in a vote described in Subsection
84 (4)(b)(iii)(B), the legislative body may override the vote and create the proposed local historic
85 district or area with an affirmative vote of two-thirds of the members of the legislative body;
86 and

87 (vi) if a local historic district or area proposal fails in a vote described in Subsection

88 (4)(b)(iii)(B) and the legislative body does not override the vote under Subsection (4)(b)(v), a
89 resident may not initiate the creation of a local historic district or area that includes more than
90 50% of the same property as the failed local historic district or area proposal for four years after
91 the day on which the public support ballots for the vote are due.

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

93 (i) a property owner is eligible to vote regardless of whether the property owner is an
94 individual, a private entity, or a public entity;

95 (ii) the municipality shall count no more than one public support ballot for:

96 (A) each parcel within the boundaries of the proposed local historic district or area; or

97 (B) if the parcel contains a condominium project, each unit within the boundaries of
98 the proposed local historic district or area; and

99 (iii) if a parcel or unit has more than one owner of record, the municipality shall count
100 a public support ballot for the parcel or unit only if the public support ballot reflects the vote of
101 the property owners who own at least a 50% interest in the parcel or unit.

102 (d) The requirements described in ~~§~~→ [this] ←~~§~~ Subsection (4) ~~§~~→ (b)(iv) ←~~§~~ apply to
102a the creation of a local

103 historic district or area that is:

104 (i) initiated in accordance with a municipal process described in Subsection (4)(b); and

105 (ii) not complete on or before January 1, 2016.

106 (e) A vote described in Subsection (4)(b)(iii)(B) is not subject to Title 20A, Election

107 Code.