

Senator J. Stuart Adams proposes the following substitute bill:

LOCAL HISTORIC DISTRICT AMENDMENTS

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Brad R. Wilson

Senate Sponsor: J. Stuart Adams

LONG TITLE

General Description:

This bill modifies the Municipal Land Use, Development, and Management Act.

Highlighted Provisions:

This bill:

▶ addresses the process by which a municipality may create a local historic district or area.

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 2012, Chapter 195

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 -- Historic district or area.



26 (1) The legislative body may amend:
27 (a) the number, shape, boundaries, or area of any zoning district;
28 (b) any regulation of or within the zoning district; or
29 (c) any other provision of a land use ordinance.
30 (2) The legislative body may not make any amendment authorized by this section
31 unless the amendment was proposed by the planning commission or was first submitted to the
32 planning commission for its recommendation.

33 (3) The legislative body shall comply with the procedure specified in Section
34 10-9a-502 in preparing and adopting an amendment to a land use ordinance or a zoning map.

35 ~~[(4) (a) Notwithstanding Subsection (1), on or after May 10, 2011, and before May 14,~~
36 ~~2013, within an area designated on the National Register of Historic Places that has on or~~
37 ~~before March 1, 2011, a land use application pending to designate the area as a local historic~~
38 ~~district or area, the legislative body of a city of the first class in a county of the first class may~~
39 ~~not:]~~

40 ~~[(i) establish the local historic district or area;]~~

41 ~~[(ii) adopt or amend a land use ordinance affecting the area except as provided in~~
42 ~~Subsection (4)(c); and]~~

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

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

46 ~~[(i) shall be stayed from any further proceedings conducted by the municipality before~~
47 ~~May 15, 2013; and]~~

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

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

52 (4) (a) As used in this Subsection (4):

53 (i) "Condominium project" means the same as that term is defined in Section 57-8-3.

54 (ii) "Local historic district or area" means a geographically or thematically definable
55 area that contains any combination of buildings, structures, sites, objects, landscape features,
56 archeological sites, or works of art that contribute to the historic preservation goals of a

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 ~~Subsection (4)(b)(iii)(B)~~ 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.