

**LOCAL HISTORIC DISTRICT AMENDMENTS**

2016 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Brad R. Wilson**

Senate Sponsor: \_\_\_\_\_

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**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

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*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.**

(1) The legislative body may amend:

(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, "local historic district or area" means a  
53 geographically or thematically definable area that contains any combination of buildings,  
54 structures, sites, objects, landscape features, archeological sites, or works of art that contribute  
55 to the historic preservation goals of a legislative body.

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

59 (A) more than 50% of the property owners within the boundaries of the proposed local  
60 historic district or area agree in writing to the creation of a proposed local historic district or  
61 area; and

62 (B) after more than 50% of the property owners agree in accordance with Subsection  
63 (4)(b)(i)(A), two-thirds of the voters within the boundaries of the proposed local historic  
64 district or area vote in favor of the creation of the proposed local historic district or area at the  
65 next municipal or general election.

66 (ii) If at an election described in Subsection (4)(b)(i)(B), fewer than two-thirds of the  
67 voters vote in favor of the creation of the proposed local historic district or area, the legislative  
68 body of the municipality may override the vote and create the proposed local historic district or  
69 area with an affirmative vote of two-thirds of the members of the legislative body.

70 (c) The requirements described in Subsection (4)(b) apply to the creation of a local  
71 historic district or area that is:

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

73 and

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

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**Legislative Review Note**  
**Office of Legislative Research and General Counsel**