

Representative Brad R. Wilson proposes the following substitute bill:

LOCAL HISTORIC DISTRICT AMENDMENTS

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Brad R. Wilson

Senate Sponsor: _____

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, "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) 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 (i) more than 33% of the property owners within the boundaries of the proposed local
60 historic district or area agree in writing to the creation of the proposed local historic district or
61 area;

62 (ii) before any property owner agrees in writing to the creation of a proposed local
63 historic district or area, the municipality prepare and distribute to each property owner within
64 the boundaries of the proposed local historic district or area, a neutral information pamphlet
65 that:

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

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

68 (iii) after more than 33% of the property owners agree in accordance with Subsection
69 (4)(b)(i), two-thirds of the property owners within the boundaries of the proposed local historic
70 district or area vote, by a public support ballot provided by the municipality, in favor of the
71 creation of the proposed local historic district or area;

72 (iv) if in a vote described in Subsection (4)(b)(iii), fewer than two-thirds of the
73 property owners vote in favor of the creation of the proposed local historic district or area, the
74 legislative body of the municipality may override the vote and create the proposed local
75 historic district or area with an affirmative vote of two-thirds of the members of the legislative
76 body; and

77 (v) if a local historic district or area proposal fails, a resident may not initiate the
78 creation of a local historic district or area that includes more than 50% of the same property as
79 the failed local historic district or area for four years after the day on which the vote described
80 in Subsection (4)(b)(iii) takes place.

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

82 (i) a property owner may vote regardless of whether the property owner is an
83 individual, a private entity, or a public entity;

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

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

86 (B) if the parcel contains a condominium project, as defined in Section 57-8-3, each
87 unit, as defined in Section 57-8-3, within the boundaries of the proposed local historic district

88 or area; and

89 (iii) if a parcel has more than one owner of record, the municipality may count a public
90 support ballot for the parcel only if the public support ballot reflects the vote of the property
91 owners who own a majority interest in the parcel.

92 (d) The requirements described in this Subsection (4) apply to the creation of a local
93 historic district or area that is:

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

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