

LOCAL HISTORIC DISTRICT AMENDMENTS

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Brad R. Wilson

Senate Sponsor: J. Stuart Adams

LONG TITLE

General Description:

This bill modifies provisions related to local historic districts.

Highlighted Provisions:

This bill:

► clarifies the applicability of certain provisions related to the creation of 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 2016, Chapter 404

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) As used in this Subsection (4):

36 (i) "Citizen-led process" means a process established by a municipality to create a local
37 historic district or area that requires:

38 (A) a petition signed by a minimum number of property owners within the boundaries
39 of the proposed local historic district or area; or

40 (B) a vote of the property owners within the boundaries of the proposed local historic
41 district or area.

42 [(i)] (ii) "Condominium project" means the same as that term is defined in Section
43 57-8-3.

44 [(ii)] (iii) "Local historic district or area" means a geographically or thematically
45 definable area that contains any combination of buildings, structures, sites, objects, landscape
46 features, archeological sites, or works of art that contribute to the historic preservation goals of
47 a legislative body.

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

49 (b) If a municipality provides a citizen-led process [~~by which one or more residents of~~
50 ~~the municipality may initiate the creation of a local historic district or area~~], the process shall
51 require that:

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

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

- 59 (A) describes the process to create a local historic district or area; and
60 (B) lists the pros and cons of a local historic district or area;
61 (iii) after the property owners satisfy the requirement described in Subsection (4)(b)(i),
62 for each parcel or, if the parcel contains a condominium project, each unit, within the
63 boundaries of the proposed local historic district or area, the municipality provide:
64 (A) a second copy of the neutral information pamphlet described in Subsection
65 (4)(b)(ii); and
66 (B) one public support ballot that, subject to Subsection (4)(c), allows the owner or
67 owners of record to vote in favor of or against the creation of the proposed local historic district
68 or area;
69 (iv) in a vote described in Subsection (4)(b)(iii)(B), the returned public support ballots
70 that reflect a vote in favor of the creation of the proposed local historic district or area:
71 (A) equal at least two-thirds of the returned public support ballots; and
72 (B) represent more than 50% of the parcels and units within the proposed local historic
73 district or area;
74 (v) if a local historic district or area proposal fails in a vote described in Subsection
75 (4)(b)(iii)(B), the legislative body may override the vote and create the proposed local historic
76 district or area with an affirmative vote of two-thirds of the members of the legislative body;
77 and
78 (vi) if a local historic district or area proposal fails in a vote described in Subsection
79 (4)(b)(iii)(B) and the legislative body does not override the vote under Subsection (4)(b)(v), a
80 resident may not initiate the creation of a local historic district or area that includes more than
81 50% of the same property as the failed local historic district or area proposal for four years after
82 the day on which the public support ballots for the vote are due.
83 (c) In a vote described in Subsection (4)(b)(iii)(B):
84 (i) a property owner is eligible to vote regardless of whether the property owner is an
85 individual, a private entity, or a public entity;
86 (ii) the municipality shall count no more than one public support ballot for:
87 (A) each parcel within the boundaries of the proposed local historic district or area; or
88 (B) if the parcel contains a condominium project, each unit within the boundaries of
89 the proposed local historic district or area; and

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

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

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

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

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

98 Code.

Legislative Review Note
Office of Legislative Research and General Counsel