

HISTORIC DISTRICT AMENDMENTS

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Todd Weiler

House Sponsor: _____

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- ▶ modifies provisions related to a legislative body's authority to designate a local historic district or area; and
- ▶ makes technical corrections.

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 -- Limited prohibition on designation of historic district or area.

(1) The legislative body may amend:



- 28 (a) the number, shape, boundaries, or area of any zoning district;
- 29 (b) any regulation of or within the zoning district; or
- 30 (c) any other provision of a land use ordinance.

31 (2) The legislative body may not make any amendment authorized by this section
32 unless the amendment was proposed by the planning commission or was first submitted to the
33 planning commission for its recommendation.

34 (3) The legislative body shall comply with the procedure specified in Section
35 10-9a-502 in preparing and adopting an amendment to a land use ordinance or a zoning map.

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

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

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

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

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

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

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

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

53 (4) (a) As used in this Subsection (4), "local historic district or area" means a
54 geographically or thematically definable area that contains any combination of buildings,
55 structures, sites, objects, landscape features, archeological sites, or works of art that contribute
56 to the historic preservation goals of the legislative body.

57 (b) The legislative body may not establish a local historic district or area unless the
58 requirements of this Subsection (4) are met.

59 (c) If the legislative body, a property owner, or other person initiates a proposal or
60 petition to designate a local historic district or area, the local historic district or area may not be
61 considered by the legislative body unless 75% of the property owners within the boundary of
62 the proposed local historic district or area support in writing the designation of the proposed
63 local historic district or area.

Legislative Review Note
as of 3-2-15 11:36 AM

Office of Legislative Research and General Counsel